



2021/0239(COD)

5.7.2022

AMENDMENTS 749 - 982

Draft report
Eero Heinäluoma, Damien Carême
(PE719.945v02-00)

Prevention of the use of the financial system for the purposes of money
laundering or terrorist financing

Proposal for a regulation
(COM(2021)0420 – C9-0339/2021 – 2021/0239(COD))

Amendment 749

Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation

Article 42 – paragraph 1 – introductory part

Text proposed by the Commission

(1) In case of corporate entities, the beneficial owner(s) as defined in Article 2(22) shall be the natural person(s) who control(s), directly or indirectly, the corporate entity, either through an ownership interest or through control via other means.

Amendment

(Does not affect the English version.)

Or. de

Amendment 750

Dragoş Pîslaru, Gilles Boyer, Luis Garicano, Olivier Chastel, Michal Šimečka

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For the purpose of this Article, ‘control through an ownership interest’ shall mean an ownership of 25% plus one of the shares or voting rights or other ownership interest in the corporate entity, including through bearer shareholdings, on *every* level of ownership.

Amendment

For the purpose of this Article, ‘control through an ownership interest’ shall mean an ownership of 25% plus one of the shares or voting rights or other ownership interest in the corporate entity, including through bearer shareholdings, on ***the first*** level of ***the ownership chain, respectively 50% plus one of the shares or voting rights or other ownership interest in the corporate entity, including through bearer shareholdings, on the subsequent levels the ownership chain.***

Or. en

Amendment 751

Kira Marie Peter-Hansen

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For the purpose of this Article, ‘control through an ownership interest’ shall mean an ownership of **25% plus one of the shares** or voting **rights** or other ownership interest in the corporate entity, including through bearer shareholdings, on every level of ownership.

Amendment

For the purpose of this Article, ‘control through an ownership interest’ shall mean an ownership of **at least one share** or voting **right** or other ownership interest in the corporate entity, including through bearer shareholdings **or being party to a contract or financial instrument related to the shares, votes, assets or income of the corporate or legal entity**, on every level of ownership.

Or. en

Amendment 752

Aurore Lalucq, Paul Tang

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For the purpose of this Article, ‘control through an ownership interest’ shall mean an ownership of **25% plus one of the shares** or voting **rights** or other ownership interest in the corporate entity, including through bearer shareholdings, on every level of ownership.

Amendment

For the purpose of this Article, ‘control through an ownership interest’ shall mean an ownership of **at least one share** or voting **right** or other ownership interest in the corporate entity, including through bearer shareholdings **or being party to a contract or financial instrument related to the shares, votes, assets or income of the corporate or legal entity**, on every level of ownership.

Or. en

Amendment 753

Fabio Massimo Castaldo, Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For the purpose of this Article, ‘control through an ownership interest’ shall **mean** an ownership of 25% plus one of the shares or voting rights or other ownership interest in the corporate entity, including through bearer shareholdings, on every level of ownership.

Amendment

For the purpose of this Article, **when** ‘control through an ownership interest’ **is based on a threshold it shall be determined based on the Member States’ assessment of risk with a maximum of** an ownership of 25% plus one of the shares or voting rights or other ownership interest in the corporate entity, including through bearer shareholdings, on every level of ownership.

Or. en

Amendment 754
Clare Daly

Proposal for a regulation
Article 42 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For the purpose of this Article, ‘control through an ownership interest’ shall mean an ownership of **25% plus one** of the shares or voting rights or other ownership interest in the corporate entity, **including through bearer shareholdings**, on every level of ownership.

Amendment

For the purpose of this Article, ‘control through an ownership interest’ shall mean an ownership of **at least 5%** of the shares or voting rights or other ownership interest in the corporate entity on every level of ownership, **including being party to a contract or financial instrument related to the shares, votes, assets or income of the corporate entity**.

Or. en

Amendment 755
Franco Roberti

Proposal for a regulation
Article 42 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For the purpose of this Article, ‘control

Amendment

For the purpose of this Article, ‘control

through an ownership interest' shall mean an ownership of **25% plus one** of the shares or voting rights or other ownership interest in the corporate entity, including through bearer shareholdings, on every level of ownership.

through an ownership interest' shall mean an ownership of **10% or more** of the shares or voting rights or other ownership interest in the corporate entity, including through bearer shareholdings, on every level of ownership.

Or. it

Amendment 756

Marco Zanni, Annalisa Tardino, Antonio Maria Rinaldi, Valentino Grant

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For the purpose of this Article, 'control through an ownership interest' shall mean an ownership of 25% plus one of the shares or voting rights or other ownership interest in the corporate entity, **including through bearer shareholdings**, on every level of ownership.

Amendment

For the purpose of this Article, **where** 'control through an ownership interest' **is based on a threshold, it** shall mean an ownership of 25% plus one of the shares or voting rights or other ownership interest in **level of ownership in** the corporate entity on every level of ownership.

Or. en

Amendment 757

Christophe Hansen

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For the purpose of this Article, 'control through an ownership interest' shall mean an ownership of 25% plus one of the shares or voting rights or other ownership interest in the corporate entity, including through bearer shareholdings, on every level of ownership.

Amendment

For the purpose of this Article, 'control through an ownership interest' shall mean an ownership of **at least 25%** plus one of the shares or voting rights or other ownership interest in the corporate entity, including through bearer shareholdings, on every level of ownership.

Or. en

Amendment 758
Markus Ferber

Proposal for a regulation
Article 42 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For the purpose of this Article, ‘control through an ownership interest’ shall mean an ownership of **25%** plus one of the shares or voting rights or other ownership interest in the corporate entity, including through bearer shareholdings, on **every** level of ownership.

Amendment

For the purpose of this Article, ‘control through an ownership interest’ shall mean an ownership of **33%** plus one of the shares or voting rights or other ownership interest in the corporate entity, including through bearer shareholdings, on **the first** level of ownership.

Or. en

Amendment 759
Franco Roberti

Proposal for a regulation
Article 42 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For the purpose of this Article, ‘control through an ownership interest’ shall mean an ownership of **25%** plus one of the shares or voting rights or other ownership interest in the corporate entity, **including through bearer shareholdings, on every level of ownership.**

Amendment

For the purpose of this Article, ‘**direct** control through an ownership interest’ shall mean an ownership of **10%** plus one of the shares or voting rights or other ownership interest in the corporate entity **held by a natural person.**

Or. en

Amendment 760
Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation
Article 42 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

For the purpose of this Article, ‘control through an ownership interest’ shall mean an ownership of 25% plus one of the shares or voting rights or other ownership interest in the corporate entity, including through bearer shareholdings, *on every level of ownership*.

For the purpose of this Article, ‘*direct* control through an ownership interest’ shall mean an ownership of 25% plus one of the shares or voting rights or other ownership interest *of a natural person* in the corporate entity, including through bearer shareholdings.

Or. de

Amendment 761
Esther de Lange, Jeroen Lenaers

Proposal for a regulation
Article 42 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For the purpose of this Article, ‘control through an ownership interest’ shall mean *an* ownership of 25% plus one of the shares or voting rights or other ownership interest in the corporate entity, including through bearer shareholdings, *on every level of ownership*.

Amendment

For the purpose of this Article, ‘control through an ownership interest’ shall mean *a direct or an indirect* ownership of 25% plus one of the shares or voting rights or other ownership interest in the corporate entity, including through bearer shareholdings.

Or. en

Amendment 762
Martin Schirdewan

Proposal for a regulation
Article 42 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For the purpose of this Article, ‘*control through* an ownership interest’ shall mean an ownership of *25% plus one of the shares* or voting *rights* or other ownership interest in the corporate entity, including through bearer shareholdings, on every level of ownership.

Amendment

For the purpose of this Article, ‘an ownership interest’ shall mean an ownership of *at least one share* or voting *right* or other ownership interest in the corporate entity, including through bearer shareholdings, on every level of ownership.

Or. en

Amendment 763
Franco Roberti

Proposal for a regulation
Article 42 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

For the purpose of this Article, ‘indirect control through an ownership interest’ shall mean an ownership of 10% plus one of the shares or voting rights or other ownership interest in the corporate entity held by another corporate entity, which is under the control of a natural person, or by multiple corporate entities, which are under the control of the same natural person(s).

Or. en

Amendment 764
Markus Ferber

Proposal for a regulation
Article 42 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

For the purpose of this Article, ‘control via other means’ shall include at least one of the following:

deleted

(a) the right to appoint or remove more than half of the members of the board or similar officers of the corporate entity;

(b) the ability to exert a significant influence on the decisions taken by the corporate entity, including veto rights, decision rights and any decisions regarding profit distributions or leading to a shift in assets;

(c) control, whether shared or not, through formal or informal agreements with owners, members or the corporate

entities, provisions in the articles of association, partnership agreements, syndication agreements, or equivalent documents depending on the specific characteristics of the legal entity, as well as voting arrangements;

(d) links with family members of managers or directors/those owning or controlling the corporate entity;

(e) use of formal or informal nominee arrangements.

Or. en

Justification

The requirements are excessive and almost impossible to scrutinise.

Amendment 765

Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

For the purpose of this Article, ‘*control via other means*’ shall include at least one of the following:

Amendment

For the purpose of this Article, ‘indirect control through an ownership interest’ shall mean the holding of a corresponding ownership interest in one or more corporate entities controlled by a natural person.

For the purpose of this Article, ‘direct or indirect control’ shall include at least one of the following:

Or. de

Amendment 766

Franco Roberti

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

For the purpose of this Article, ‘control via other means’ shall include **at least** one of the following:

For the purpose of this Article, ‘control via other means’ shall include **for example**^{1a} one of the following:

^{1a} 5th AMLD did not define “control via other means”. The relations between the UBO and the corporate entity in a money laundering scheme can be very different, depending on the criminal case and the list proposed here is limitative. Those schemes evolve.

Or. en

Amendment 767
Martin Schirdewan

Proposal for a regulation
Article 42 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) the right to appoint or remove **more than half** of the members of the board or similar officers of the corporate entity;

(a) the right to appoint or remove **any** of the members of the board or similar officers of the corporate entity;

Or. en

Amendment 768
Kira Marie Peter-Hansen
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 42 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) the right to appoint or remove **more than half of the members** of the board or similar officers of the corporate entity;

(a) the right to appoint or remove **any member** of the board or similar officers of the corporate entity;

Or. en

Amendment 769

Franco Roberti, Jonás Fernández, Aurore Lalucq, Birgit Sippel, Kira Marie Peter-Hansen

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) the right to appoint or remove **more than half of the members** of the board or similar officers of the corporate entity;

(a) the right to appoint or remove **any member** of the board or similar officers of the corporate entity;

Or. en

Amendment 770

Clare Daly

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) the right to appoint or remove **more than half of the** members of the board or similar officers of the corporate entity;

(a) the right to appoint or remove **any** members of the board or similar officers of the corporate entity;

Or. en

Amendment 771

Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) the **ability to exert a significant** influence **on** the decisions taken by the corporate entity, including veto rights, decision rights and any decisions regarding profit distributions or leading to a shift in assets;

(b) the **exercise of dominant** influence **over** the decisions taken by the corporate entity, including veto rights, decision rights and any decisions regarding profit distributions or leading to a shift in assets;

Amendment 772

Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) *links with family members of managers or directors/those owning or controlling the corporate entity;* **deleted**

Amendment 773

Othmar Karas

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) links with *family members* of managers or directors/those owning or controlling the corporate entity;

(d) links with *first-degree relatives* of managers or directors/those owning or controlling the corporate entity;

Amendment 774

Franco Roberti, Jonás Fernández, Aurore Lalucq, Birgit Sippel, Kira Marie Peter-Hansen

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) *power of attorney to manage or dispose of the entity's assets or income, in particular bank or securities accounts;*

Amendment 775
Martin Schirdewan

Proposal for a regulation
Article 42 – paragraph 1 – subparagraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) a power of attorney to manage or dispose of the corporate entity's assets or income, in particular its bank or financial accounts.

Or. en

Amendment 776
Clare Daly

Proposal for a regulation
Article 42 – paragraph 1 – subparagraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) a power of attorney to manage or dispose of the entity's assets or income, particularly its bank or financial accounts.

Or. en

Amendment 777
Frances Fitzgerald, Maria Walsh

Proposal for a regulation
Article 42 – paragraph 2

Text proposed by the Commission

Amendment

2. In case of legal entities other than corporate entities, the beneficial owner(s) as defined in Article 2(22) shall be the natural person identified according to

2. In case of legal entities other than corporate entities, the beneficial owner(s) as defined in Article 2(22) shall be the ***publicly identifiable*** natural person

paragraph 1 of this Article, except where Article 43(2) applies.

identified according to paragraph 1 of this Article, except where Article 43(2) applies.

Or. en

Amendment 778

Fabio Massimo Castaldo, Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation

Article 42 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Obligated entities shall report to the entity in charge of the central registers any discrepancies they find between the beneficial ownership information available in the central registers and the beneficial ownership information available to them pursuant to Article 18 of this Regulation, whilst ensuring that banking secrecy laws do not inhibit the implementation of this provision.

Or. en

Justification

Transferred partly from 10(5)(a) AMLD6 proposal to this Regulation.

Amendment 779

Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Luis Garicano, Olivier Chastel, Michal Šimečka, Dragoş Tudorache, Malik Azmani

Proposal for a regulation

Article 42 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Obligated entities shall report to the entity in charge of the central registers any discrepancies they find between the beneficial ownership information available in the central registers and the beneficial ownership information

available to them pursuant to Article 18 of Regulation.

Or. en

Amendment 780

Franco Roberti, Jonás Fernández, Aurore Lalucq, Birgit Sippel, Kira Marie Peter-Hansen

Proposal for a regulation Article 42 – paragraph 3

Text proposed by the Commission

3. Member States shall notify to the Commission by [3 months from the date of application of this Regulation] a list of the types of corporate and other legal entities existing under their national laws with beneficial owner(s) identified in accordance with paragraph 1. The notification shall include the specific categories of entities, description of characteristics, names and, where applicable, legal basis under the national laws of the Member States. It shall also include an indication of whether, due to the specific form and structures of legal entities other than corporate entities, the mechanism under Article 45(3) applies, accompanied by a detailed justification of the reasons for that.

Amendment

3. Member States shall notify to the Commission by [3 months from the date of application of this Regulation] a list of the types of corporate and other legal entities existing under their national laws with beneficial owner(s) identified in accordance with paragraph 1. The notification shall include the specific categories of entities, description of characteristics, names and, where applicable, legal basis under the national laws of the Member States. It shall also include an indication of whether, due to the specific form and structures of legal entities other than corporate entities, the mechanism under Article 45(3) applies, accompanied by a detailed justification of the reasons for that. ***In this notification, Member States shall also include other legal entities or vehicles which, under national law, identification of beneficial ownership information is not deemed applicable, in particular if that is the case for investment vehicles such as special purpose vehicles or entities, protected cell companies or series limited liability companies.***

Or. en

Amendment 781

Clare Daly

Proposal for a regulation
Article 42 – paragraph 3

Text proposed by the Commission

3. Member States shall notify to the Commission by [3 months from the date of application of this Regulation] a list of the types of corporate and other legal entities existing under their national laws with beneficial owner(s) identified in accordance with paragraph 1. The notification shall include the specific categories of entities, description of characteristics, names and, where applicable, legal basis under the national laws of the Member States. It shall also include an indication of whether, due to the specific form and structures of legal entities other than corporate entities, the mechanism under Article **45(3)** applies, accompanied by a detailed justification of the reasons for that.

Amendment

3. Member States shall notify to the Commission by [3 months from the date of application of this Regulation] a list of the types of corporate and other legal entities existing under their national laws with beneficial owner(s) identified in accordance with paragraph 1. The notification shall include the specific categories of entities, description of characteristics, names and, where applicable, legal basis under the national laws of the Member States. It shall also include an indication of whether, due to the specific form, **risk** and structures of legal entities other than corporate entities, the mechanism under Article **45(2)** applies, accompanied by a detailed justification of the reasons for that.

Member States shall also notify any type of legal vehicle, which is explicitly excluded from registration, or if the exemption is implicit, as in the case that a legal vehicle is not considered a legal person and provide a justification for such an exclusion. The Commission shall make the notification public.

Or. en

Amendment 782
Martin Schirdewan

Proposal for a regulation
Article 42 – paragraph 3

Text proposed by the Commission

3. Member States shall notify to the Commission by [3 months from the date of application of this Regulation] a list of the

Amendment

3. Member States shall notify to the Commission by [3 months from the date of application of this Regulation] a list of the

types of corporate and other legal entities existing under their national laws with beneficial owner(s) identified in accordance with paragraph 1. The notification shall include the specific categories of entities, description of characteristics, names and, where applicable, legal basis under the national laws of the Member States. It shall also include an indication of whether, due to the specific form and structures of legal entities other than corporate entities, the mechanism under Article 45(3) applies, accompanied by a detailed justification of the reasons for that.

types of corporate and other legal entities existing under their national laws with beneficial owner(s) identified in accordance with paragraph 1 **and paragraph 5a**. The notification shall include the specific categories of entities, description of characteristics, names and, where applicable, legal basis under the national laws of the Member States. It shall also include an indication of whether, due to the specific form and structures of legal entities other than corporate entities, the mechanism under Article 45(3) applies, accompanied by a detailed justification of the reasons for that.

Or. en

Amendment 783
Martin Schirdewan

Proposal for a regulation
Article 42 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. By ... [3 months from the date of application of this Regulation], Member States shall notify the Commission of any type of legal vehicle explicitly excluded from the list referred to in paragraph 3 and any type of legal vehicle implicitly excluded from that list, such as where a legal vehicle is not considered a legal person, and provide a justification for such an exclusion. The Commission shall make such notifications public.

Or. en

Amendment 784
Fabio Massimo Castaldo, Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation
Article 42 – paragraph 4

Text proposed by the Commission

4. The Commission shall **make recommendations to Member States** on the specific rules and criteria to **identity** the beneficial owner(s) of legal entities other than corporate entities by [1 year from the date of application of this Regulation]. **In the event that Member States decide not to apply any of the recommendations, they shall notify the Commission thereof and provide a justification for such a decision.**

Amendment

4. The Commission shall **define, when applicable** the specific rules and criteria to **identify** the beneficial owner(s) of legal entities other than corporate entities by [1 year from the date of application of this Regulation].

Or. en

Amendment 785

Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Luis Garicano, Michal Šimečka, Dragoş Tudorache, Malik Azmani

**Proposal for a regulation
Article 42 – paragraph 4**

Text proposed by the Commission

4. The Commission shall **make recommendations to Member States** on the specific rules and criteria to identify the beneficial owner(s) of legal entities other than corporate entities by [**1 year** from the date of application of this Regulation]. **In the event that Member States decide not to apply any of the recommendations, they shall notify the Commission thereof and provide a justification for such a decision.**

Amendment

4. The Commission shall **decide via implementing acts** on the specific rules and criteria to identify the beneficial owner(s) of legal entities other than corporate entities by [**6 months** from the date of application of this Regulation].

Or. en

Amendment 786

Franco Roberti, Jonás Fernández, Aurore Lalucq, Birgit Sippel, Kira Marie Peter-Hansen

**Proposal for a regulation
Article 42 – paragraph 4**

Text proposed by the Commission

4. The Commission shall make recommendations to Member States on the specific rules and criteria to ***identity*** the beneficial owner(s) of legal entities other than corporate entities by [1 year from the date of application of this Regulation]. In the event that Member States decide not to apply any of the recommendations, they shall notify the Commission thereof and provide a justification for such a decision.

Amendment

4. The Commission shall make recommendations to Member States on the specific rules and criteria to ***identify*** the beneficial owner(s) of legal entities other than corporate entities by [1 year from the date of application of this Regulation] ***and indicate whether, on a risk sensitive basis, any specific rules should apply. These recommendations shall be public.*** In the event that Member States decide not to apply any of the recommendations, they shall notify the Commission thereof and provide a justification for such a decision.

Or. en

Amendment 787

Kira Marie Peter-Hansen

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 42 – paragraph 4

Text proposed by the Commission

4. The Commission shall make recommendations to Member States on the specific rules and criteria to ***identity*** the beneficial owner(s) of legal entities other than corporate entities by [1 year from the date of application of this Regulation]. In the event that Member States decide not to apply any of the recommendations, they shall notify the Commission thereof and provide a justification for such a decision.

Amendment

4. The Commission shall make recommendations to Member States on the specific rules and criteria to ***identify*** the beneficial owner(s) of legal entities other than corporate entities by [1 year from the date of application of this Regulation] ***and indicate whether, on a risk sensitive basis, any specific rules shall apply. These recommendations shall be public.*** In the event that Member States decide not to apply any of the recommendations, they shall notify the Commission thereof and provide a justification for such a decision.

Or. en

Amendment 788

Clare Daly

Proposal for a regulation
Article 42 – paragraph 4

Text proposed by the Commission

4. The Commission shall make recommendations to Member States on the specific rules and criteria to identify the beneficial owner(s) of legal entities other than corporate entities by [1 year from the date of application of this Regulation]. In the event that Member States decide not to apply any of the recommendations, they shall notify the Commission thereof and provide a justification for such a decision.

Amendment

4. The Commission shall make recommendations to Member States on the specific rules and criteria to identify the beneficial owner(s) of legal entities other than corporate entities **and to address the risks created by complex ownership structures** by [1 year from the date of application of this Regulation]. In the event that Member States decide not to apply any of the recommendations, they shall notify the Commission thereof and provide a justification for such a decision.

Or. en

Amendment 789
Eva Kaili

Proposal for a regulation
Article 42 – paragraph 4

Text proposed by the Commission

4. The Commission shall make recommendations to Member States on the specific rules and criteria to **identity** the beneficial owner(s) of legal entities other than corporate entities by [1 year from the date of application of this Regulation]. In the event that Member States decide not to apply any of the recommendations, they shall notify the Commission thereof and provide a justification for such a decision.

Amendment

4. The Commission shall make recommendations to Member States on the specific rules and criteria to **identify** the beneficial owner(s) of legal entities other than corporate entities by [1 year from the date of application of this Regulation]. In the event that Member States decide not to apply any of the recommendations, they shall notify the Commission thereof and provide a justification for such a decision.

Or. en

Amendment 790
Martin Schirdewan

Proposal for a regulation
Article 42 – paragraph 5 – introductory part

Text proposed by the Commission

5. The provisions of this Chapter shall **not** apply to:

Amendment

5. The provisions of this Chapter shall **also** apply to:

Or. en

Amendment 791
Franco Roberti, Jonás Fernández, Aurore Lalucq, Birgit Sippel, Kira Marie Peter-Hansen

Proposal for a regulation
Article 42 – paragraph 5 – point a

Text proposed by the Commission

(a) companies listed on a regulated market that is subject to disclosure requirements consistent with Union legislation or subject to equivalent international standards; and

Amendment

(a) companies listed on a regulated market that is subject to disclosure requirements consistent with Union legislation or subject to equivalent international standards, ***provided that beneficial ownership information is gathered and available in equivalent terms as those set out in this Chapter***; and

Or. en

Amendment 792
Martin Schirdewan

Proposal for a regulation
Article 42 – paragraph 5 – point a

Text proposed by the Commission

(a) companies listed on a regulated market ***that is subject to disclosure requirements consistent with Union legislation or subject to equivalent international standards; and***

Amendment

(a) companies listed on a regulated market

Or. en

Amendment 793
Martin Schirdewan

Proposal for a regulation
Article 42 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. By way of derogation from paragraph 1, first subparagraph, the Commission shall be empowered to adopt delegated acts in accordance with Article 60 to supplement this Regulation in order to identify on a risk-sensitive basis specific categories of low-risk corporate or other legal entities existing in Member States for which ‘control through an ownership interest’ shall mean an ownership of 5% or, where appropriate, 10% plus one of the shares or voting rights or other ownership interest in the corporate entity on every level of ownership.

Or. en

Amendment 794
Martin Schirdewan

Proposal for a regulation
Article 42 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. For the purposes of paragraph 5a, the Commission shall take into account the opinion of AMLA and other Union bodies, offices and agencies involved in the AML/CFT framework and civil society organisations with competence in the field of preventing money laundering and combating terrorist financing, as well as relevant evaluations, assessments, reports or public statements drawn up by them. The Commission shall also take into

account the findings of the risk assessments referred to in Article 7 and 8 of Directive [please insert reference – proposal for 6th Anti-Money Laundering Directive - COM/2021/423 final]. The identified categories of low-risk corporate or other legal entities referred to in paragraph 5a shall be made public by the Commission accompanied by a justification.

Or. en

Amendment 795
Martin Schirdewan

Proposal for a regulation
Article 42 – paragraph 5 c (new)

Text proposed by the Commission

Amendment

5c. The Commission shall review the delegated acts referred to in paragraph 5a on a regular basis to ensure that the identification of specific categories of low-risk corporate and other legal entities is proportionate and adequate to the development and changes in AML/CFT risks.

Or. en

Amendment 796
Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation
Article 43 – title

Text proposed by the Commission

Amendment

Identification of beneficial owners for express trusts *and similar legal entities or arrangements*

Identification of beneficial owners for express trusts

Or. de

Amendment 797

Franco Roberti, Jonás Fernández, Aurore Lalucq, Birgit Sippel, Kira Marie Peter-Hansen

Proposal for a regulation

Article 43 – paragraph 1 – point a

Text proposed by the Commission

(a) the settlor(s);

Amendment

(a) the ***economic and legal*** settlor(s);

Or. en

Amendment 798

Kira Marie Peter-Hansen

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 43 – paragraph 1 – point a

Text proposed by the Commission

(a) the settlor(s);

Amendment

(a) the ***economic and legal*** settlor(s);

Or. en

Amendment 799

Martin Schirdewan

Proposal for a regulation

Article 43 – paragraph 1 – point e

Text proposed by the Commission

(e) any other natural person exercising ultimate control over the express trust by means of direct or indirect ownership or by other means, including through a chain of control or ownership.

Amendment

(e) any other natural person exercising ultimate control over the express trust by means of direct or indirect ownership or by other means, including through a chain of control or ownership, ***irrespective of any threshold.***

Or. en

Amendment 800

Franco Roberti, Jonás Fernández, Aurore Lalucq, Birgit Sippel, Kira Marie Peter-Hansen

Proposal for a regulation

Article 43 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall notify to the Commission by [3 months from the date of application of this Regulation] a list of legal arrangements and of legal entities, similar to express trusts, where the beneficial owner(s) is identified in accordance with paragraph 1.

Amendment

Member States shall notify to the Commission by [3 months from the date of application of this Regulation] a list of legal arrangements and of legal entities, similar to express trusts, where the beneficial owner(s) is identified in accordance with paragraph 1.

In the case where the parties of the express trust laid down in paragraph 1 point (a), (b), (c), or (d) are corporate or legal entities or arrangements themselves, the beneficial owner shall be the natural person who is the beneficial owner of those entities or arrangements, or the ultimate natural person who exercises control through a chain of control or ownership of corporate or legal entities or arrangements.

Or. en

Amendment 801

Jean-Paul Garraud, Tom Vandendriessche, Gunnar Beck

Proposal for a regulation

Article 44 – paragraph 1 – introductory part

Text proposed by the Commission

1. For the purpose of this Regulation, beneficial ownership information shall be adequate, accurate, **and** current and include the following:

Amendment

1. For the purpose of this Regulation, beneficial ownership information shall be adequate, accurate, current **and sufficiently detailed** and include the following:

Or. fr

Amendment 802
Clare Daly

Proposal for a regulation
Article 44 – paragraph 1 – introductory part

Text proposed by the Commission

1. For the purpose of this Regulation, beneficial ownership information shall be adequate, accurate, and **current** and include the following:

Amendment

1. For the purpose of this Regulation, beneficial ownership information shall be adequate, accurate, and **up to date** and include the following:

Or. en

Amendment 803
Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation
Article 44 – paragraph 1 – point a

Text proposed by the Commission

(a) the first name and surname, full place and date of birth, **residential address**, country of residence and nationality **or nationalities** of the beneficial owner, **national identification number and source of it, such as passport or national identity document, and, where applicable, the tax identification number or other equivalent number assigned to the person by his or her country of usual residence;**

Amendment

(a) the first name and surname, full place and date of birth, country of residence and nationality of the beneficial owner;

Or. de

Amendment 804
Markus Ferber

Proposal for a regulation
Article 44 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the first name and surname, full place and date of birth, residential address, country of residence and nationality or nationalities of the beneficial owner, ***national identification number and source of it, such as passport or national identity document, and, where applicable, the tax identification number or other equivalent number assigned to the person by his or her country of usual residence;***

(a) the first name and surname, full place and date of birth, residential address, country of residence and nationality or nationalities of the beneficial owner;

Or. en

Amendment 805
Clare Daly

Proposal for a regulation
Article 44 – paragraph 1 – point a

Text proposed by the Commission

(a) the first name and surname, full place and date of birth, residential address, country of residence and nationality or nationalities of the beneficial owner, national identification number and source of it, such as passport or national identity document, and, where applicable, the tax identification number or other equivalent number assigned to the person by his or her country of usual residence;

Amendment

(a) the first name and surname, full place and date of birth, residential address, country of residence and nationality or nationalities of the beneficial owner, ***where applicable*** national identification number and source of it, such as passport or national identity document, and, where applicable, the tax identification number or other equivalent number assigned to the person by his or her country of usual residence;

Or. en

Amendment 806
Kira Marie Peter-Hansen
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 44 – paragraph 1 – point a

Text proposed by the Commission

(a) the first name and surname, full

Amendment

(a) the first name and surname, full

place and date of birth, residential address, country of residence and nationality or nationalities of the beneficial owner, national identification number and source of it, such as passport or national identity document, and, where applicable, the tax identification number or other equivalent number assigned to the person by his or her country of usual residence;

place and date of birth, residential address, country *or countries* of residence and nationality or nationalities of the beneficial owner, national identification number and source of it, such as passport or national identity document, and, where applicable, the tax identification number or other equivalent number assigned to the person by his or her country of usual residence;

Or. en

Amendment 807

Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation

Article 44 – paragraph 1 – point b

Text proposed by the Commission

(b) the nature and extent of the beneficial interest held in the legal entity or legal arrangement, whether through ownership interest or control via other means, *as well as the date of acquisition of the beneficial interest held;*

Amendment

(b) the nature and extent of the beneficial interest held in the legal entity or legal arrangement, whether through ownership interest or control via other means;

Or. de

Amendment 808

Franco Roberti

Proposal for a regulation

Article 44 – paragraph 2

Text proposed by the Commission

2. Beneficial ownership information shall be obtained within 14 calendar days from the creation of legal entities or legal arrangements. It shall be updated promptly, and in any case no later than 14 calendar days following any change of the beneficial owner(s), and *on an annual basis.*

Amendment

2. Beneficial ownership information shall be obtained within 14 calendar days from the creation of legal entities or legal arrangements. It shall be updated promptly, and in any case no later than 14 calendar days following any change of the beneficial owner(s), and *according to the frequency as set-out in Article 21.2 of this*

Regulation.

Or. en

Amendment 809

Kira Marie Peter-Hansen

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 44 – paragraph 2

Text proposed by the Commission

2. Beneficial ownership information ***shall be obtained within 14 calendar days from the creation of legal entities or legal arrangements***. It shall be updated promptly, and in any case no later than 14 calendar days following any change of the beneficial owner(s), and on an annual basis.

Amendment

2. ***In addition to express trusts and other legal arrangements, corporate and other legal entities shall obtain*** beneficial ownership information ***before their*** creation. It shall be updated promptly, and in any case no later than 14 calendar days following any change of the beneficial owner(s), and on an annual basis.

Or. en

Amendment 810

Othmar Karas

Proposal for a regulation

Article 44 – paragraph 2

Text proposed by the Commission

2. Beneficial ownership information shall be obtained within ***14*** calendar days from the creation of legal entities or legal arrangements. It shall be updated promptly, and in any case no later than ***14*** calendar days following any change of the beneficial owner(s), and on an annual basis.

Amendment

2. Beneficial ownership information shall be obtained within ***21*** calendar days from the creation of legal entities or legal arrangements. It shall be updated promptly, and in any case no later than ***21*** calendar days following any change of the beneficial owner(s), and on an annual basis.

Or. en

Amendment 811
Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation
Article 44 – paragraph 2

Text proposed by the Commission

(2) Beneficial ownership information shall be obtained within **14 calendar days** from the creation of legal entities or legal arrangements. It shall be updated promptly, and in any case no later than **14 calendar days** following any change of the beneficial owner(s), and on an annual basis.

Amendment

(2) Beneficial ownership information shall be obtained within **four weeks** from the creation of legal entities or legal arrangements. It shall be updated promptly, and in any case no later than **four weeks** following any change of the beneficial owner(s), and on an annual basis.

Or. de

Amendment 812
Markus Ferber

Proposal for a regulation
Article 44 – paragraph 2

Text proposed by the Commission

2. Beneficial ownership information shall be obtained within **14** calendar days from the creation of legal entities or legal arrangements. It shall be updated promptly, and in any case no later than **14** calendar days following any change of the beneficial owner(s), **and on an annual basis**.

Amendment

2. Beneficial ownership information shall be obtained within **30** calendar days from the creation of legal entities or legal arrangements. It shall be updated promptly, and in any case no later than **30** calendar days following any change of the beneficial owner(s).

Or. en

Amendment 813
Clare Daly

Proposal for a regulation
Article 45 – paragraph 1 – introductory part

Text proposed by the Commission

1. All corporate and other legal entities incorporated in the Union shall obtain and hold adequate, accurate and **current** beneficial ownership information.

Amendment

1. All corporate and other legal entities incorporated in the Union shall obtain and hold adequate, accurate and **up to date** beneficial ownership information.

Or. en

Amendment 814

Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation

Article 45 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The beneficial owner(s) of corporate or other legal entities shall provide those entities with all the information necessary for the corporate or other legal entity.

Amendment

The beneficial owner(s) of corporate or other legal entities shall provide those entities with all the information necessary for the corporate or other legal entity **and shall inform obliged entities without undue delay about all changes relating to beneficial ownership.**

Or. de

Amendment 815

Martin Schirdewan

Proposal for a regulation

Article 45 – paragraph 2

Text proposed by the Commission

2. Where, after having exhausted all possible means of identification pursuant to Articles 42 and 43, no person is identified as beneficial owner, or where there is any doubt that the person(s) identified is the beneficial owner(s), the corporate or other legal entities shall keep records of the actions taken in order to identify their beneficial owner(s).

Amendment

2. Where, after having exhausted all possible means of identification pursuant to Articles 42 and 43, no person is identified as beneficial owner, or where there is any doubt that the person(s) identified is the beneficial owner(s), the corporate or other legal entities shall keep records of the actions taken in order to identify their beneficial owner(s) **and file a suspicious transaction report to the FIU in**

accordance with Article 50.

Or. en

Amendment 816

Ramona Strugariu, Dragoş Pîslaru, Lucia Āuriř Nicholsonov, Luis Garicano, Olivier Chastel, Michal řimeřka, Dragoş Tudorache, Malik Azmani

Proposal for a regulation Article 45 – paragraph 2

Text proposed by the Commission

2. Where, after having exhausted all possible means of identification pursuant to Articles 42 and 43, no person is identified as beneficial owner, or where there is any doubt that the person(s) identified is the beneficial owner(s), the corporate or other legal entities shall keep records of the actions taken in order to identify their beneficial owner(s).

Amendment

2. Where, after having exhausted all possible means of identification pursuant to Articles 42 and 43, no person is identified as beneficial owner, or where there is any doubt that the person(s) identified is the beneficial owner(s), the corporate or other legal entities shall keep records of the actions taken in order to identify their beneficial owner(s) **and file a suspicious transaction report in accordance with Article 17.**

Or. en

Amendment 817

Clare Daly

Proposal for a regulation Article 45 – paragraph 2

Text proposed by the Commission

2. Where, after having exhausted all possible means of identification pursuant to Articles 42 and 43, no person is identified as beneficial owner, or where there is any doubt that the person(s) identified is the beneficial owner(s), the corporate or other legal entities shall **keep records of the actions taken in order to identify their beneficial owner(s).**

Amendment

2. Where, after having exhausted all possible means of identification pursuant to Articles 42 and 43, no person is identified as beneficial owner, or where there is any doubt that the person(s) identified is the beneficial owner(s), the corporate or other legal entities shall identify **the top 10 natural persons holding the majority of shares or voting rights.**

Amendment 818

Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriř Nicholsonová, Luis Garicano, Michal Šimečka, Dragoş Tudorache, Malik Azmani

Proposal for a regulation

Article 45 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where there are reasons to doubt the accuracy of the beneficial ownership information, corporate or other legal entities shall provide to the competent authorities additional information on a risk-sensitive basis, including resolutions of the board of directors and minutes of their meetings, partnership agreements, trust deeds, power of attorney or other contractual agreements and documentation.

Amendment 819

Clare Daly

Proposal for a regulation

Article 45 – paragraph 3

Text proposed by the Commission

Amendment

3. In the cases referred to in paragraph 2, when providing beneficial ownership information in accordance with Article 16 of this Regulation and Article 10 of Directive [please insert reference – proposal for 6th Anti-Money Laundering Directive - COM/2021/423 final], corporate or other legal entities shall provide the following:

deleted

(a) a statement, accompanied by a justification, that there is no beneficial owner or that the beneficial owner(s)

could not be identified and verified;

(b) the details on the natural person(s) who hold the position of senior managing official(s) in the corporate or legal entity equivalent to the information required under Article 44(1), point (a).

Or. en

Amendment 820

Fabio Massimo Castaldo, Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation

Article 45 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) *a statement, accompanied by a justification, that there is no beneficial owner or that the beneficial owner(s) could not be identified and verified;*

(a) *Where there are reasons to doubt the accuracy of the beneficial ownership information or no beneficial owner is identified, legal entities and legal arrangements are required to provide additional information on a risk-sensitive basis, including resolutions of the board of directors and minutes of their meetings, partnership agreements, trust deeds, power of attorney or other contractual agreements and documentation;*

Or. en

Justification

Transferred partly from Article 10(2) AMLD6 proposal to this Regulation.

Amendment 821

Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Luis Garicano, Olivier Chastel, Michal Šimečka, Dragoş Tudorache, Malik Azmani

Proposal for a regulation

Article 45 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) a statement, accompanied by a

(a) a statement, accompanied by a

justification, that there is no beneficial owner or that the beneficial owner(s) could not be identified and verified;

justification **and supporting documents**, that there is no beneficial owner or that the beneficial owner(s) could not be identified and verified;

Or. en

Amendment 822

Fabio Massimo Castaldo, Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation

Article 45 – paragraph 3 – point b

Text proposed by the Commission

(b) *the details on the natural person(s) who hold the position of senior managing official(s) in the corporate or legal entity equivalent to the information required under Article 44(1), point (a).*

Amendment

(b) *Where no person is identified as beneficial owner pursuant to paragraph (2) and (3), the central register shall include:*

Or. en

Justification

Transferred from Article 10(3)(3) AMLD6 proposal to this Regulation.

Amendment 823

Martin Schirdewan

Proposal for a regulation

Article 45 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the details on the 10 natural persons holding the majority of shares or voting rights or, where the size of the entity in question does not allow for the identification of 10 natural persons, the details on all natural persons holding shares or voting rights.

Or. en

Amendment 824

Fabio Massimo Castaldo, Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation

Article 45 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) a statement accompanied by a justification, that there is no beneficial owner or that the beneficial owner(s) could not be identified and verified; such statement shall be recorded in the register;

Or. en

Justification

Transferred partly from Article 10(3)(3) AMLD6 proposal to this Regulation.

Amendment 825

Fabio Massimo Castaldo, Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation

Article 45 – paragraph 3 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the details of the natural person(s) who hold the position of senior managing official(s) in the corporate or legal entity equivalent to the information required under Article 44(1), point (a), of this Regulation. Senior managers shall not be recorded in the register as a beneficial owner.

Or. en

Justification

Transferred partly from Article 10(3)(3) AMLD6 proposal to this Regulation.

Amendment 826
Clare Daly

Proposal for a regulation
Article 45 – paragraph 4

Text proposed by the Commission

4. Legal entities shall make the information collected pursuant to this Article available, upon request and without delay, to competent authorities.

Amendment

4. Legal entities shall make the information collected pursuant to this Article available ***for the purpose of fighting money laundering and terrorism financing***, upon request and without delay, to competent authorities.

Or. en

Amendment 827
Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation
Article 45 – paragraph 5

Text proposed by the Commission

(5) The information referred to in paragraph 4 shall be maintained for five years after the date on which the companies are dissolved or otherwise ceases to exist, whether by persons designated by the entity to retain the documents, or by administrators or liquidators or other persons involved in the dissolution of the entity. ***The identity and contact details of the person responsible for retaining the information shall be reported to the registers referred to in Article 10 of Directive [please insert reference – proposal for 6th Anti-Money Laundering Directive - COM/2021/423 final].***

Amendment

(5) The information referred to in paragraph 4 shall be maintained for five years after the date on which the companies are dissolved or otherwise ceases to exist, whether by persons designated by the entity to retain the documents, or by administrators or liquidators or other persons involved in the dissolution of the entity.

Or. de

Amendment 828

Franco Roberti

**Proposal for a regulation
Article 46 – title**

Text proposed by the Commission

Trustees obligations

Amendment

Obligations relating to the identification of beneficial owners of express trusts or similar legal arrangements

Or. en

Amendment 829

Franco Roberti, Jonás Fernández, Aurore Lalucq

**Proposal for a regulation
Article 46 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. Where the trustee or person holding an equivalent position in a similar legal arrangement is not established or resides in the Union, beneficial ownership information shall be obtained and held in the conditions laid down in paragraph 1 by either the settlor or the beneficiary, provided that:

1) the express trust or legal arrangement is governed under the law of one Member State; or

2) either the settlor or the beneficiary are residents in one Member State.

Or. en

Amendment 830

Kira Marie Peter-Hansen
on behalf of the Verts/ALE Group

**Proposal for a regulation
Article 47 – paragraph 1**

Text proposed by the Commission

Nominee shareholders and nominee directors of a corporate or other legal entities shall ***maintain adequate, accurate and current information on the identity of their nominator and the nominator's beneficial owner(s) and disclose them, as well as their status, to the corporate or other legal entities. Corporate or other legal entities shall report this information to the registers set up pursuant to Article 10 of Directive [please insert reference – proposal for 6th Anti-Money Laundering Directive - COM/2021/423 final].***

Amendment

Nominee shareholders and nominee directors of a corporate or other legal entities shall ***be prohibited.***

Or. en

Amendment 831

Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Luis Garicano, Michal Šimečka, Dragoş Tudorache, Malik Azmani

Proposal for a regulation

Article 48 – paragraph 1 – introductory part

Text proposed by the Commission

1. Beneficial ownership information of legal entities incorporated outside the Union or of express trusts or similar legal arrangements administered outside the Union shall be held in the central register referred to in Article 10 of Directive [please insert reference – proposal for 6th Anti-Money Laundering Directive - COM/2021/423 final] set up by the Member State where such entities or trustees of express trusts or persons holding equivalent positions in similar legal arrangements:

Amendment

1. Beneficial ownership information of legal entities incorporated outside the Union or of express trusts or similar legal arrangements administered outside the Union shall be ***collected in accordance with national systems and*** held in the central register referred to in Article 10 of Directive [please insert reference – proposal for 6th Anti-Money Laundering Directive - COM/2021/423 final] set up by the Member State where such entities or trustees of express trusts or persons holding equivalent positions in similar legal arrangements:

Or. en

Amendment 832

Martin Schirdewan

**Proposal for a regulation
Article 48 – paragraph 1 – point a**

Text proposed by the Commission

(a) enter into a business relationship with an obliged entity;

Amendment

(a) enter into **or hold** a business relationship with an obliged entity;

Or. en

**Amendment 833
Fabio Massimo Castaldo, Laura Ferrara, Sabrina Pignedoli**

**Proposal for a regulation
Article 48 – paragraph 1 – point b**

Text proposed by the Commission

(b) acquire real estate in their territory.

Amendment

(b) **own or** acquire real estate in their territory.

Or. en

**Amendment 834
Martin Schirdewan**

**Proposal for a regulation
Article 48 – paragraph 1 – point b**

Text proposed by the Commission

(b) acquire real estate in their territory.

Amendment

(b) acquire **or hold** real estate in their territory.

Or. en

**Amendment 835
Franco Roberti, Jonás Fernández, Aurore Lalucq, Birgit Sippel, Kira Marie Peter-Hansen**

Proposal for a regulation

Article 48 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) (c) own or acquire a majority or minority stake in bodies governed by public law, as defined under Article 2(1), point (4) of Directive 2014/24/EU of the European Parliament and of the Council.

Or. en

Amendment 836

Franco Roberti, Jonás Fernández, Aurore Lalucq, Birgit Sippel, Kira Marie Peter-Hansen

Proposal for a regulation

Article 48 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) (d) benefit from public funds through public procurement procedures or contracts, governed either under EU law or national law.

Or. en

Amendment 837

Franco Roberti

Proposal for a regulation

Article 48 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the legal entity, the trustee of the express trust or the person holding an equivalent position in a similar legal arrangement enters into multiple business relationships or acquires real estate in different Member States, a certificate of proof of registration of the beneficial ownership information in a central register held by one Member State shall be

2. Where the legal entity, the trustee of the express trust or the person holding an equivalent position in a similar legal arrangement enters into multiple business relationships or acquires real estate in different Member States, a certificate of proof of registration of the beneficial ownership information in a central register held by one Member State shall be

considered as sufficient proof of registration.

considered as sufficient proof of registration. ***This certificate should in particular include reference to the requirements of Article 10.3 of Directive [please insert reference – proposal for 6th Anti-Money Laundering Directive - COM/2021/423final] in case no BO was identified.***

Or. en

Amendment 838
Martin Schirdewan

Proposal for a regulation
Article 48 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where, after having exhausted all possible means of identification pursuant to Articles 42 and 43, no person is identified as beneficial owner, Article 45(2) and (3) shall apply. However, where a foreign legal entity or another legal arrangement is incorporated or administered in a third country identified as a 'high-risk third country' in accordance with Article 23 or as a third country posing a threat to the Union's financial system in accordance with Article 25 and no person is identified as beneficial owner, that foreign legal entity or other legal arrangement shall be prohibited from entering into a business relationship with an obliged entity or from acquiring real estate in a Member State.

Or. en

Amendment 839
Martin Schirdewan

Proposal for a regulation
Article 49 – paragraph 1

Text proposed by the Commission

Member States shall lay down the rules on sanctions applicable to infringements of the provisions of this Chapter and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

Amendment

Member States shall lay down the rules on sanctions applicable to infringements of the provisions of this Chapter and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive. ***The sanctions provided for shall include, at least in cases of repeated infringements of the provisions of this Chapter, the suspension of the right to conclude, or a prohibition on concluding, contracts within the Union with respect to corporate and other legal entities.***

Or. en

Amendment 840

Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Luis Garicano, Olivier Chastel, Michal Šimečka, Dragoş Tudorache, Malik Azmani

Proposal for a regulation

Article 49 – paragraph 1

Text proposed by the Commission

Member States shall lay down the rules on sanctions applicable to infringements of the provisions of this Chapter and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

Amendment

Member States shall lay down the rules on sanctions applicable to infringements of the provisions of this Chapter ***in accordance with Article 40 of Directive [please insert reference – proposal for 6th Anti-Money Laundering Directive - COM/2021/423 final]*** and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

Or. en

Amendment 841

Franco Roberti, Jonás Fernández, Aurore Lalucq, Birgit Sippel

Proposal for a regulation
Article 49 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

By [2 years after the date of entry into force of this Directive], AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall define indicators to classify the level of gravity of infringements and criteria to be taken into account when setting the level of administrative sanctions, including ranges of pecuniary sanctions relative to the turnover of the entity that shall be applied as references for effective, proportionate and dissuasive sanctions.

The Commission is empowered to supplement this Regulation by adopting the regulatory technical standards referred to in paragraph 1a of this Article in accordance with Articles 38 to 41 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].

Or. en

Amendment 842
Franco Roberti

Proposal for a regulation
Article 50 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Obligated entities shall report to the FIU all *suspicious transactions*, including attempted transactions.

1. Obligated entities shall report to the FIU all *suspicious of money laundering, predicate offences and terrorist financing*, including *on* attempted transactions.^{1a}

^{1a} “Suspicious transactions”. The scope of the obligation to report should not be

*narrowly confined to “transactions”:
suspicions may arise in a wide range of
different circumstances in the course of
the diversified businesses carried out by
the multiple categories of obliged entities.
It is essential that STRs are filed when the
facts, activities or information pertaining
to suspicions are not only related to
“transactions”. Ultimately, suspicions of
ML, predicate offences or TF have to be
reported to the FIU whatever the source
and regardless of there being a
“transaction” (even attempted). The
provision in par. 1 should be broadened
accordingly.*

Or. en

Amendment 843

Kira Marie Peter-Hansen

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 50 – paragraph 1 – introductory part

Text proposed by the Commission

1. Obligated entities shall report to the FIU all *suspicious transactions*, including attempted transactions.

Amendment

1. Obligated entities shall report to the FIU all *suspicions of money laundering, predicate offences and terrorist financing*, including *on* attempted transactions.

Or. en

Justification

Suspicions of money laundering, predicate offences and terrorist financing may arise from activities or information that are not necessarily related to “transactions” and should therefore all be reported to the FIUs.

Amendment 844

Emil Radev

Proposal for a regulation

Article 50 – paragraph 1 – introductory part

Text proposed by the Commission

1. Obligated entities shall report to the FIU all *suspicious transactions*, including attempted transactions.

Amendment

1. Obligated entities shall report to the FIU all *suspicious of money laundering, predicate offences and terrorist financing* including *on* attempted transactions.

Or. en

Amendment 845

Dragoş Pîslaru, Gilles Boyer, Luis Garicano, Ramona Strugariu, Olivier Chastel, Fabienne Keller, Billy Kelleher, Michal Šimečka

Proposal for a regulation

Article 50 – paragraph 1 – introductory part

Text proposed by the Commission

1. Obligated entities shall report to the FIU all suspicious transactions, including attempted transactions.

Amendment

1. Obligated entities shall report *via the FIU.net one-stop-shop* to the FIU all suspicious transactions, including attempted transactions.

Or. en

Amendment 846

Dragoş Pîslaru, Gilles Boyer, Luis Garicano, Ramona Strugariu, Olivier Chastel, Fabienne Keller, Billy Kelleher, Michal Šimečka

Proposal for a regulation

Article 50 – paragraph 1 – introductory part

Text proposed by the Commission

1. Obligated entities shall report to the FIU all suspicious transactions, including attempted transactions.

Amendment

1. Obligated entities shall report to the FIU all suspicious transactions, including *multi-country and* attempted transactions.

Or. en

Amendment 847

Dragoş Pîslaru, Gilles Boyer, Luis Garicano, Ramona Strugariu, Olivier Chastel,

Fabienne Keller, Billy Kelleher, Michal Šimečka

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) reporting to the FIU, on their own initiative, where the obliged entity knows, suspects or has reasonable grounds to suspect that funds, regardless of the amount involved, are the proceeds of criminal activity or are related to terrorist financing, and by responding to requests by the FIU for additional information in such cases;

Amendment

(a) reporting to the FIU **via the FIU.net one-stop-shop**, on their own initiative, where the obliged entity knows, suspects or has reasonable grounds to suspect that funds, regardless of the amount involved, are the proceeds of criminal activity or are related to terrorist financing, and by responding to requests by the FIU **submitted via the FIU.net one-stop-shop** for additional information in such cases;

Or. en

Justification

A European one-stop-shop platform will facilitate the correct submission of suspicious transactions reports from obliged entities to national FIUs and further facilitate information sharing on a need-to-know basis between FIUs as well as between ALMA and the FIUs, all while ensuring high-levels of data protection.

A European one-stop-shop will further enhance a feedback culture from FIUs and AMLA to obliged entities and thereby further strengthen the EU's fight against money laundering and terrorist financing within the EU's single market.

Amendment 848

Kira Marie Peter-Hansen

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) reporting to the FIU, on their own initiative, where the obliged entity knows, suspects or has reasonable grounds to suspect that funds, regardless of the amount involved, are the proceeds of criminal activity or **are related** to terrorist financing, and by responding to requests by

Amendment

(a) reporting to the FIU, on their own initiative, where the obliged entity knows, suspects or has reasonable grounds to suspect that funds **or activities**, regardless of the amount involved, are **related to** the proceeds of criminal activity or to terrorist financing, and by responding to requests by

the FIU for additional information in such cases;

the FIU for additional information in such cases;

Or. en

Amendment 849

Emil Radev

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) reporting to the FIU, on their own initiative, where the obliged entity knows, suspects or has reasonable grounds to suspect that funds, regardless of the amount involved, are the proceeds of criminal activity or are related to terrorist financing, and by responding to requests by the FIU for additional information in such cases;

Amendment

(a) reporting to the FIU, on their own initiative, where the obliged entity knows, suspects or has reasonable grounds to suspect that funds **or assets**, regardless of the amount involved, are the proceeds of criminal activity or are related to terrorist financing, and by responding to requests by the FIU for additional information in such cases;

Or. en

Amendment 850

Franco Roberti

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) reporting to the FIU, on their own initiative, where the obliged entity knows, suspects or has reasonable grounds to suspect that funds, regardless of the amount **involved, are the** proceeds of criminal activity or **are related** to terrorist financing, and by responding to requests by the FIU for additional information in such cases;

Amendment

(a) reporting to the FIU, on their own initiative, where the obliged entity knows, suspects or has reasonable grounds to suspect that funds **or activities**, regardless of the amount, **are related to** proceeds of criminal activity or to terrorist financing, and by responding to requests by the FIU for additional information in such cases;^{1a}

^{1a} “Funds”. Along the same lines, while

article 50(1) sets out a broad scope for the notion of “suspicion” to reported, article 50(2) seems to unduly limit this reporting obligation only to cases where there are “funds” involved. It is important, instead, to clarify that the reports are due, in cases of suspicion, not only in relation to “funds” but taking account of any relevant underlying fact, circumstance or information (concerning, e.g., the customer, his/her/its counterparts, other subjects or activities involved). Furthermore, while the reference to “funds” (dating back to the first AMLD) may have been appropriate when the scope of the obligation was limited to financial institutions, it certainly inappropriate now to encompass non financial activities subject to the same obligation.

Or. en

Amendment 851

Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) reporting to the FIU, on their own initiative, where the obliged entity knows, suspects or has reasonable grounds to suspect that funds, ***regardless of the amount involved***, are the proceeds of criminal activity or are related to terrorist financing, and by responding to requests by the FIU for additional information in such cases;

Amendment

(a) reporting to the FIU, on their own initiative, where the obliged entity knows, suspects or has reasonable grounds to suspect that funds are the proceeds of criminal activity or are related to terrorist financing, and by responding to requests by the FIU for additional information in such cases;

Or. de

Amendment 852

Dragoş Pîslaru, Gilles Boyer, Luis Garicano, Ramona Strugariu, Olivier Chastel,

Fabienne Keller, Billy Kelleher, Michal Šimečka

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) providing the FIU directly, at its request, with all necessary information.

Amendment

(b) providing the FIU directly **via the FIU.net one-stop-shop**, at its request, with all necessary information.

Or. en

Amendment 853

Kira Marie Peter-Hansen

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 2

Text proposed by the Commission

For the purposes of points (a) and (b), obliged entities shall reply to a request for information by the FIU within **5 days**. In justified and urgent cases, **FIUs shall be able to shorten such a deadline to 24 hours**.

Amendment

For the purposes of points (a) and (b), obliged entities shall reply to a request for information by the FIU within **the appropriate deadline set by the FIU, depending on the complexity and urgency of the request**. In justified and urgent cases, such **as where transactions are in progress or a prompt action is required, FIUs may require the information to be provided immediately**.

Or. en

Amendment 854

Othmar Karas

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 2

Text proposed by the Commission

For the purposes of points (a) and (b), obliged entities shall reply to a request for

Amendment

For the purposes of points (a) and (b), obliged entities shall reply to a request for

information by the FIU within 5 days. In justified and urgent cases, FIUs shall be able to shorten such a deadline to 24 hours.

information by the FIU within 5 days, **if due to a sense of urgency this deadline of 5 days is explicitly requested by the FIU.** In justified and urgent cases, FIUs shall be able to shorten such a deadline to 24 hours.

Or. en

Amendment 855

Dragoş Pîslaru, Gilles Boyer, Luis Garicano, Ramona Strugariu, Olivier Chastel, Fabienne Keller, Billy Kelleher, Michal Šimečka

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 2

Text proposed by the Commission

For the purposes of points (a) and (b), obliged entities shall reply to a request for information by the FIU within 5 days. In justified and urgent cases, FIUs shall be able to shorten such a deadline to 24 hours.

Amendment

For the purposes of points (a) and (b), obliged entities shall reply to a request for information by the FIU within 5 days **via the FIU.net one-stop-shop.** In justified and urgent cases, FIUs shall be able to shorten such a deadline to 24 hours.

Or. en

Amendment 856

Franco Roberti

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 2

Text proposed by the Commission

For the purposes of points (a) and (b), obliged entities shall reply to **a** request for information by the FIU within 5 days. **In justified and urgent cases, FIUs shall be able to shorten such a deadline to 24 hours.**

Amendment

For the purposes of points (a) and (b), obliged entities shall reply to **are** request for information by the FIU within 5 days **or a different deadline set by the FIU taking account of the urgency and the complexity of the query.^{1a}**

^{1a} **Deadlines for replying to requests. Setting “ex ante” a mandatory deadline in the regulation, applicable in all cases for**

obliged entities to reply to requests for information by the FIU does not seem appropriate and can be detrimental. In fact, on one hand the upper limit of 5 days may not be sufficient for gathering necessary information, especially in complex cases that involve several transactions and business relationships or where data has to be collected across multiple entities in the group or in the cases of outsourcing arrangements (see article 20) or, finally, when it comes to certain categories of obliged entities which transmit to the FIU such information through self-regulatory bodies. In these cases, the need to comply with the deadline would lead to poor information gathering and response to the FIU. On the other hand, having a 5 days timespan for providing feedback to the FIU, or even 24 hours, would be counterproductive when the reaction has to be prompt and quicker, typically in cases where transactions are in progress and decisions on postponement or seizure have to be taken immediately. Moreover, the consequences of the failure to comply with the deadlines are unclear; in case of delay, would any sanction be applicable to the obliged entity? A suitable alternative to the proposed and excessively rigid one-size-fits-all approach of a threshold set in primary provisions would be to foresee that the FIU, when and to the extent appropriate, set a deadline for replies taking account of circumstances (e.g. complexity, urgency). This solution would allow for the necessary flexibility and could be assisted by administrative sanctions.

Or. en

Amendment 857
Franco Roberti

Proposal for a regulation

Article 50 – paragraph 2 – introductory part

Text proposed by the Commission

2. For the purposes of paragraph 1, obliged entities shall assess transactions identified pursuant to Article 20 as atypical in order to detect those that can be suspected of being linked to money laundering or terrorist financing.

Amendment

2. For the purposes of paragraph 1, obliged entities shall assess transactions identified pursuant to Article 20 as atypical in order to detect those that can be suspected of being linked to money laundering or terrorist financing. ***A suspicion is based, for example, on the characteristics of the customer and his/her/its counterparts, the size, nature and methods of execution of the transaction or activity, the link between several transactions or activities and any other circumstance known to the obliged entity, including the origin of funds or assets and the consistency of the transaction or activity with the risk profile of the client.^{1a}***

^{1a} The notion of "atypical transaction" (which is mentioned only in recital 40 in relation to automated monitoring systems for certain obliged entities) and that of "suspicion" should be defined or better described. While this objective could be achieved mostly through appropriate guidance by AMLA, this provision in the AMLR could nonetheless be made more specific by referencing, as relevant factors, at least also the characteristics of the customer's counterparts, the methods of execution of the transaction (e.g. the splitting of operations) indications (or lack thereof) on the origin of involved funds or assets.

Or. en

Amendment 858
Martin Schirdewan

Proposal for a regulation
Article 50 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A suspicion is based on the characteristics of the customer, the size and nature of the transaction or activity, the link between several transactions or activities and any other circumstance known to the obliged entity, including the consistency of the transaction or activity with the risk profile of the client.

Amendment

A suspicion is based on the characteristics of the customer, the size and nature of the transaction or activity, the link between several transactions or activities and any other circumstance known to the obliged entity, including the consistency of the transaction or activity with the risk profile of the client ***and the characteristics of the transaction or customer when linked to patterns highlighted by the risk assessments conducted in accordance with Articles 7 and 8 of Directive [please insert reference proposal for 6th Anti-Money Laundering Directive - COM/2021/423 final].***

Or. en

Amendment 859

Kira Marie Peter-Hansen

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 50 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A suspicion ***is*** based on the characteristics of the customer, the size and nature of the transaction or activity, the link between several transactions or activities and any other circumstance known to the obliged entity, including the consistency of the transaction or activity with the risk profile of the client.

Amendment

A suspicion ***may be*** based on the characteristics of the customer, the size and nature of the transaction or activity, ***the technique used, the pattern, the use of anonymising tools***, the link between several transactions or activities and any other circumstance known to the obliged entity, including the ***origin or destination of the funds or assets or the transaction history, and the*** consistency of the transaction or activity with the risk profile of the client.

Or. en

Amendment 860

Kira Marie Peter-Hansen

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 50 – paragraph 3

Text proposed by the Commission

3. By [two years after entry into force of this Regulation], AMLA shall develop draft implementing technical standards and submit them to the Commission for adoption. Those draft implementing technical standards shall specify the format to be used for the reporting of suspicious transactions pursuant to paragraph 1.

Amendment

3. By [two years after entry into force of this Regulation], AMLA shall develop draft implementing technical standards and submit them to the Commission for adoption. Those draft implementing technical standards shall specify the ***mechanism or*** format to be used for the reporting of suspicious transactions pursuant to paragraph 1. ***The technical standards shall include appropriate formats for the reporting of specific indicators that may be associated with crypto-asset transactions, including distributed ledger wallet addresses and transaction hashes.***

Or. en

Amendment 861

Martin Schirdewan

Proposal for a regulation

Article 50 – paragraph 3

Text proposed by the Commission

3. By [two years after entry into force of this Regulation], AMLA shall develop draft implementing technical standards and submit them to the Commission for adoption. Those draft implementing technical standards shall specify the format to be used for the reporting of suspicious transactions pursuant to paragraph 1.

Amendment

3. By [two years after entry into force of this Regulation], AMLA shall develop draft implementing technical standards and submit them to the Commission for adoption. Those draft implementing technical standards shall specify the format to be used for the reporting of suspicious transactions pursuant to paragraph 1 ***and establish a risk-based classification system to establish the level of priority of suspicious transaction reports.***

Amendment 862

Luis Garicano, Dragoş Pîslaru, Ramona Strugariu, Fabienne Keller, Gilles Boyer, Michal Šimečka

Proposal for a regulation

Article 50 – paragraph 3

Text proposed by the Commission

3. By [two years after entry into force of this Regulation], AMLA shall develop draft implementing technical standards and submit them to the Commission for adoption. Those draft implementing technical standards shall specify the format to be used for the reporting of suspicious transactions pursuant to paragraph 1.

Amendment

3. By [two years after entry into force of this Regulation], AMLA shall develop draft implementing technical standards and submit them to the Commission for adoption. Those draft implementing technical standards shall specify the format **and means** to be used for the reporting of suspicious transactions pursuant to paragraph 1.

Amendment 863

Jean-Paul Garraud, Tom Vandendriessche, Gunnar Beck

Proposal for a regulation

Article 50 – paragraph 3

Text proposed by the Commission

3. By [two years after entry into force of this Regulation], **AMLA** shall develop draft implementing technical standards **and submit them to the Commission for adoption**. Those draft implementing technical standards shall specify the format to be used for the reporting of suspicious transactions pursuant to paragraph 1.

Amendment

3. By [two years after entry into force of this Regulation], **the EBA** shall develop draft implementing technical standards. Those draft implementing technical standards shall specify the format to be used for the reporting of suspicious transactions pursuant to paragraph 1.

Amendment 864

Martin Schirdewan

**Proposal for a regulation
Article 50 – paragraph 5**

Text proposed by the Commission

5. AMLA shall issue and periodically update guidance on indicators of unusual or suspicious activity or behaviours.

Amendment

5. AMLA shall, ***following a consultation with other Union bodies, offices and agencies involved in the AML/CFT framework,*** issue and periodically update guidance on indicators of unusual or suspicious activity or behaviours.

Or. en

**Amendment 865
Franco Roberti**

**Proposal for a regulation
Article 50 – paragraph 5**

Text proposed by the Commission

5. AMLA shall issue and periodically update guidance on indicators of unusual or suspicious activity or behaviours.

Amendment

5. AMLA shall issue and periodically update guidance on indicators of unusual or suspicious activity or behaviours ***with the assistance of other EU bodies also already involved in the AML/CFT framework.***

Or. en

**Amendment 866
Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Luis Garicano, Olivier Chastel, Michal Šimečka, Dragoş Tudorache, Malik Azmani**

**Proposal for a regulation
Article 50 – paragraph 5**

Text proposed by the Commission

5. AMLA shall issue and periodically update guidance on indicators of unusual

Amendment

5. AMLA shall issue and periodically update guidance on indicators of unusual

or suspicious activity or behaviours.

or suspicious activity or behaviours ***with the assistance of other EU bodies involved in the AML/CFT framework.***

Or. en

Amendment 867

Jean-Paul Garraud, Tom Vandendriessche, Gunnar Beck

Proposal for a regulation

Article 50 – paragraph 5

Text proposed by the Commission

5. *AMLA* shall issue and periodically update guidance on indicators of unusual or suspicious activity or behaviours.

Amendment

5. ***The EBA*** shall issue and periodically update guidance on indicators of unusual or suspicious activity or behaviours.

Or. fr

Amendment 868

Luis Garicano, Dragoş Pîslaru, Ramona Strugariu, Fabienne Keller, Gilles Boyer, Michal Šimečka

Proposal for a regulation

Article 50 – paragraph 6

Text proposed by the Commission

6. The person appointed in accordance with Article 9(3) shall transmit the information referred to in paragraph 1 of this Article to the FIU of the Member State in whose territory the obliged entity transmitting the information is established.

Amendment

6. The person appointed in accordance with Article 9(3) shall transmit the information referred to in paragraph 1 of this Article to the FIU of the Member State in whose territory the obliged entity transmitting the information is established. ***By [6 years after entry into force of this Regulation], this information shall be transmitted using FIU.net.***

Or. en

Amendment 869

Jean-Paul Garraud, Tom Vandendriessche, Gunnar Beck

Proposal for a regulation

Article 50 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The EBA shall introduce a provision establishing an annual reporting mechanism on the use of beneficial ownership registers to combat money laundering and terrorist financing.

Or. fr

Amendment 870

Jean-Paul Garraud, Tom Vandendriessche, Gunnar Beck

Proposal for a regulation

Article 51 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. By way of derogation from Article 50(1), Member States may allow obliged entities referred to in Article 3, point (3)(a), (b) and (d) to transmit the information referred to in Article 50(1) to a self-regulatory body designated by the Member State.

1. By way of derogation from Article 50(1), Member States may allow obliged entities referred to in Article 3, point (3)(a), (b) and (d) to transmit the information referred to in Article 50(1) to a self-regulatory body designated by the Member State **for the sole purpose of combating money laundering and the funding of terrorism.**

Or. fr

Amendment 871

Fabio Massimo Castaldo, Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation

Article 51 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. By way of derogation from Article 50(1), Member States may allow obliged

1. By way of derogation from Article 50(1), Member States may allow obliged

entities referred to in Article 3, point (3)(a), (b) and (d) to transmit the information referred to in Article 50(1) to a self-regulatory body designated by the Member State.

entities referred to in Article 3, point (3)(a), (b) and (d) to transmit the information referred to in Article 50(1) to a self-regulatory body designated by the Member State *or directly to the FIU*.

Or. en

Amendment 872

Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation

Article 51 – paragraph 2

Text proposed by the Commission

(2) Notaries, lawyers and other independent legal professionals, auditors, external accountants and tax advisors shall be exempted from the requirements laid down in Article 50(1) to the extent that such exemption relates to information that they receive from, or obtain on, one of their clients, in the course of ascertaining the legal position of their client, or performing their task of defending or representing that client in, or concerning, judicial proceedings, including providing advice on instituting or avoiding such proceedings, whether such information is received or obtained before, during or after such proceedings.

Amendment

(2) Notaries, lawyers and other independent legal professionals, auditors, external accountants and tax advisors shall be exempted from the requirements laid down in Article 50(1) to the extent that such exemption relates to information that they receive from, or obtain on, one of their clients, in the course of ascertaining the legal position of their client, or performing their task of defending or representing that client in, or concerning, judicial proceedings, including providing advice on instituting or avoiding such proceedings, whether such information is received or obtained before, during or after such proceedings. ***However, the requirements under Article 50(1) shall apply where the obliged entity knows that legal advice or legal representation has been or is being used for the purpose of money laundering or terrorist financing. Within the limits of Union law, Member States may adopt or maintain rules in order to apply the requirements under Article 50(1) to obliged entities in other instances, notwithstanding the professional secrecy obligations of those obliged entities.***

Or. de

Amendment 873

Roberts Zile, Patryk Jaki

Proposal for a regulation

Article 51 – paragraph 2

Text proposed by the Commission

2. Notaries, lawyers and other independent legal professionals, auditors, external accountants and tax advisors shall be exempted from the requirements laid down in Article 50(1) to the extent that such exemption relates to information that they receive from, or obtain on, one of their clients, in the course of ascertaining the legal position of their client, or performing their task of defending or representing that client in, or concerning, judicial proceedings, including providing advice on instituting or avoiding such proceedings, whether such information is received or obtained before, during or after such proceedings.

Amendment

2. Notaries, lawyers and other independent legal professionals, auditors, external accountants and tax advisors shall be exempted from the requirements laid down in Article 50(1) to the extent that such exemption relates to information that they receive from, or obtain on, one of their clients, in the course of ascertaining the legal position of their client, or performing their task of defending or representing that client in, or concerning, judicial proceedings, ***that is related to suspicious transactions or activities of similar nature***, including providing advice on instituting or avoiding such proceedings, whether such information is received or obtained before, during or after such proceedings.

Or. en

Amendment 874

José Manuel García-Margallo y Marfil, Isabel Benjumea Benjumea

Proposal for a regulation

Article 51 – paragraph 2

Text proposed by the Commission

2. Notaries, lawyers and other independent legal professionals, auditors, external accountants and tax advisors shall be exempted from the requirements laid down in Article 50(1) to the extent that such exemption relates to information that they receive from, or obtain on, one of their clients, in the course of ascertaining

Amendment

2. Notaries, ***external and in-house*** lawyers and other independent legal professionals, auditors, external accountants and tax advisors shall be exempted from the requirements laid down in Article 50(1) to the extent that such exemption relates to information that they receive from, or obtain on, one of their

the legal position of their client, or performing their task of defending or representing that client in, or concerning, judicial proceedings, including providing advice on instituting or avoiding such proceedings, whether such information is received or obtained before, during or after such proceedings.

clients, in the course of ascertaining the legal position of their client, or performing their task of defending or representing that client in, or concerning, judicial proceedings, including providing advice on instituting or avoiding such proceedings, whether such information is received or obtained before, during or after such proceedings.

Or. es

Amendment 875
Martin Schirdewan

Proposal for a regulation
Article 51 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Obligated entities and, where applicable, the directors and employees engaging with politically exposed persons may report suspicious transactions related to politically exposed persons directly to AMLA through secure channels established by AMLA for that purpose. AMLA shall notify the respective national FIU and monitor the FIU's follow-up on the report in a risk-based manner or request a joint analysis in accordance with Article 25 of Directive [please insert reference –proposal for 6th Anti-Money Laundering Directive -COM/2021/423 final].

Or. en

Amendment 876
Nicola Beer

Proposal for a regulation
Article 51 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *The exemption set forth in paragraph 2 does not apply if the obliged professional has positive knowledge that the client is seeking legal advice for the purposes of money laundering or terrorist financing. Within the limits of Union Law, Member states may adopt or maintain with regard to specific transactions that involve a particular high risk to be used for money laundering or terrorist financing additional reporting obligations for the professionals listed in paragraph 2 to which the exemption set forth in paragraph 2 does not apply.*

Or. en

Amendment 877

Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation

Article 52 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *Obligated entities may carry out the transaction concerned if they have not received instructions to the contrary from the FIU within three days.*

Or. de

Amendment 878

Esther de Lange, Luis Garicano, Jeroen Lenaers

Proposal for a regulation

Article 54 – paragraph 5

Text proposed by the Commission

Amendment

5. For obliged entities referred to in Article 3, points (1), (2), (3)(a) and (b), *in cases relating to the same customer and*

5. For obliged entities referred to in Article 3, points (1), (2), (3)(a) and (b), by way of derogation from paragraph 1,

the same transaction involving two or more obliged entities, and by way of derogation from paragraph 1, disclosure may take place between ***the*** relevant obliged entities provided that they are located in the Union, or with entities in a third country which imposes requirements equivalent to those laid down in this Regulation, and that they are from the same category of obliged entities and are subject to professional secrecy and personal data protection requirements.

disclosure may take place between ***two or more*** relevant obliged entities provided that they are located in the Union, or with entities in a third country which imposes requirements equivalent to those laid down in this Regulation, and that they are from the same category of obliged entities and are subject to professional secrecy and personal data protection requirements, ***in the following cases:***

a) in cases related to the same customer or ultimate beneficial owner of the customer;

b) in cases related to the same transaction, or series of transactions that are related;

c) on the same (alleged) network of natural persons related to the same customers, ultimate beneficial owner or transactions.

Or. en

Amendment 879
Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation
Article 54 – paragraph 5

Text proposed by the Commission

(5) For obliged entities referred to in Article 3, points (1), (2), (3)(a) and (b), in cases relating to the same customer and the same transaction involving two or more obliged entities, and by way of derogation from paragraph 1, disclosure may take place between the relevant obliged entities provided that they are located in the Union, or with entities in a third country which imposes requirements equivalent to those laid down in this Regulation, and that they are from the same category of obliged entities and are subject to professional

Amendment

(5) For obliged entities referred to in Article 3, points (1), (2), (3)(a) and (b), in cases relating to the same ***person (natural or legal) as*** customer and/or the same transaction ***or the same network of persons (natural and legal) and transactions*** involving two or more obliged entities, and by way of derogation from paragraph 1, disclosure may take place between the relevant obliged entities provided that they are located in the Union ***internal market***, or with entities in a third country which imposes requirements

secrecy and personal data protection requirements.

equivalent to those laid down in this Regulation, and that they are from the same category of obliged entities and are subject to professional secrecy and personal data protection requirements.

Or. de

Amendment 880

Eva Kaili

Proposal for a regulation

Article 54 – paragraph 5

Text proposed by the Commission

5. For obliged entities referred to in Article 3, points (1), (2), (3)(a) and (b), in cases relating to the same customer and the same transaction involving two or more obliged entities, and by way of derogation from paragraph 1, disclosure may take place between the relevant obliged entities provided that they are located in the Union, or with entities in a third country which imposes requirements equivalent to those laid down in this Regulation, and that they are from the same category of obliged entities and are subject to professional secrecy and personal data protection requirements.

Amendment

5. For obliged entities referred to in Article 3, points (1), (2), (3)(a) and (b), in cases relating to the same customer and the same transaction involving two or more obliged entities, and by way of derogation from paragraph 1, disclosure may take place between the relevant obliged entities provided that they are located in the Union, or with entities in a third country which imposes requirements equivalent to those laid down in this Regulation, and that they are from the same category of obliged entities and are subject to professional secrecy and personal data protection requirements ***comparable to those laid down in Regulation (EU)2016/679.***

Or. en

Amendment 881

Nicola Beer

Proposal for a regulation

Article 54 – paragraph 5

Text proposed by the Commission

5. For obliged entities referred to in Article 3, points (1), (2), (3)(a) and (b), in

Amendment

5. For obliged entities referred to in Article 3, points (1), (2), (3)(a) and (b), in

cases relating to ***the same customer and*** the same transaction involving two or more obliged entities, and by way of derogation from paragraph 1, disclosure may take place between the relevant obliged entities provided that they are located in the Union, or with entities in a third country which imposes requirements equivalent to those laid down in this Regulation, and that they are ***from the same category of obliged entities and are*** subject to professional secrecy and personal data protection requirements.

cases relating to the same transaction involving two or more obliged entities, and by way of derogation from paragraph 1, disclosure may take place between the relevant obliged entities provided that they are located in the Union, or with entities in a third country which imposes requirements equivalent to those laid down in this Regulation, and that they are subject to professional secrecy and personal data protection requirements.

Or. en

Amendment 882

Nicola Beer

Proposal for a regulation

Article 54 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. By way of derogation from paragraph 1, disclosure may take place between an obliged entity and its agent or service provider to which it has outsourced activities related to customer identification and due diligence measures according to Chapter III of this Regulation or reporting as referred to in Articles 50 and 51 of this Regulation.

Or. en

Amendment 883

Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation

Article 54 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. By way of derogation from

paragraph 1, disclosure may take place between an obliged entity and its agent or service provider to which it has outsourced activities relating to customer identification and compliance with due diligence obligations in accordance with Chapter III of this Regulation or the obligation to report suspicious transactions under Articles 50 and 51 of this Regulation.

Or. de

Amendment 884

Dragoş Pîslaru, Gilles Boyer, Luis Garicano, Ramona Strugariu, Olivier Chastel, Fabienne Keller, Billy Kelleher, Michal Šimečka

Proposal for a regulation

Article 54 a (new)

Text proposed by the Commission

Amendment

Article 54a

Use of Artificial Intelligence (AI)

For the purposes of AML, obliged entities shall be permitted to rely on technologies that include machine-learning, artificial intelligence or similar automated individual decision-making processes, including profiling pursuant to Article 22.2.(b) of Regulation (EU) 2016/679 in order to meet directly or indirectly the requirements of this Regulation, Regulation 2015/847, and any Regulatory Technical Standards, guidelines or other common instruments (that are directly or indirectly related to the prevention and fight against money laundering and financing terrorism) set up by AMLA related to the abovementioned regulations.

Obliged entities shall inform the data subjects, for example in their privacy statements, that automated decision making including profiling pursuant to Article 22.2. b of Regulation (EU)

2016/679 is used. Such information should include the significance and the possible consequences for the data subject of such use. AML-A, in cooperation with the European Data Protection Board shall develop Regulatory Technical Standards, determining the minimum information to be provided. The logics behind such automated decision making and profiling are kept by the obliged entities and can be requested by the competent authorities. Such logics should be kept confidential by such authorities.

Or. en

Amendment 885

Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriř Nicholsonová, Luis Garicano, Caroline Nagtegaal, Olivier Chastel, Michal řimečka, Dragoş Tudorache, Malik Azmani

Proposal for a regulation Article 55 – paragraph 1

Text proposed by the Commission

1. To the extent that it is strictly necessary for the purposes of preventing money laundering and terrorist financing, obliged entities may process special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679 and personal data relating to criminal convictions and offences referred to in Article 10 of that Regulation subject to the safeguards provided for in paragraphs 2 and 3.

Amendment

1. To the extent that it is strictly necessary for the purposes of preventing money laundering and terrorist financing, obliged entities **and AML compliance entities** may process **personal data, including** special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679 and personal data relating to criminal convictions and offences referred to in Article 10 of that Regulation subject to the safeguards provided for in paragraphs 2 and 3. **On the basis of this Regulation, only to the extent that it is necessary and proportionate for the purposes of the prevention of money laundering and terrorist financing, obliged entities may share this data with other obliged entities.**

Or. en

Amendment 886

Esther de Lange, Luis Garicano, Jeroen Lenaers

Proposal for a regulation

Article 55 – paragraph 1

Text proposed by the Commission

1. To the extent that it is strictly necessary for the purposes of preventing money laundering and terrorist financing, obliged entities may process special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679 and personal data relating to criminal convictions and offences referred to in Article 10 of that Regulation subject to the safeguards provided for in paragraphs 2 and 3.

Amendment

1. To the extent that it is strictly necessary for the purposes of preventing money laundering and terrorist financing, obliged entities may process **personal data, including** special categories of personal data referred to in Article 9(1) of Regulation (EU)2016/679 and personal data relating to criminal convictions and offences referred to in Article 10 of that Regulation subject to the safeguards provided for in paragraphs 2 and 3. **On the basis of this Regulation only to the extent that it is necessary and proportionate for the purposes of the prevention of money laundering and terrorist financing obliged entities may share this data with other obliged entities.**

Or. en

Amendment 887

Clare Daly

Proposal for a regulation

Article 55 – paragraph 1

Text proposed by the Commission

1. To the extent that it is strictly necessary for the purposes of preventing money laundering and terrorist financing, obliged entities may process **special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679 and** personal data relating to criminal convictions and offences referred to in Article 10 of **that** Regulation subject to the safeguards provided for in **paragraphs 2 and 3.**

Amendment

1. To the extent that it is strictly necessary for the purposes of preventing money laundering and terrorist financing, obliged entities may process personal data relating to criminal convictions and offences referred to in Article 10 of Regulation **(EU) 2016/679** subject to the safeguards provided for in **paragraph 3.**

Amendment 888

Esther de Lange, Luis Garicano, Jeroen Lenaers

Proposal for a regulation

Article 55 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For the purpose of transaction monitoring referred to in Article 16, paragraph 1, point d of this Regulation, the processing of personal data referred to in Article 55, paragraph 1 can also be conducted by (legal) entities (“utilities”) consisting of or created by two or more obliged entities.

Amendment 889

Clare Daly

Proposal for a regulation

Article 55 – paragraph 2

Text proposed by the Commission

Amendment

2. Obligated entities shall be able to process personal data covered by Article 9 of Regulation (EU) 2016/679 provided that:

deleted

(a) obliged entities inform their customers or prospective customers that such categories of data may be processed for the purpose of complying with the requirements of this Regulation;

(b) the data originate from reliable sources, are accurate and up-to-date;

(c) the obliged entity adopts measures of a high level of security in accordance with Article 32 of Regulation (EU) 2016/679, in particular in terms of confidentiality.

Amendment 890
Eva Kaili

Proposal for a regulation
Article 55 – paragraph 2 – point b

Text proposed by the Commission

(b) the data originate from reliable sources, are accurate and up-to-date;

Amendment

(b) the data originate from reliable sources, are accurate **relevant** and up-to-date;

Or. en

Amendment 891
Eva Kaili

Proposal for a regulation
Article 55 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) (bb) the outcome of automated decision-making tools processing the relevant data, will be subject to human oversight and responsibility;

Or. en

Amendment 892
Clare Daly

Proposal for a regulation
Article 55 – paragraph 3 – point a

Text proposed by the Commission

(a) **such** personal data **relate** to money laundering, **its predicate offences or** terrorist financing;

Amendment

(a) **processing is limited to** personal data **relating to criminal convictions related** to money laundering **and** terrorist financing **handed down in countries where the rule of law, and fundamental rights,**

in particular the presumption of innocence, the right of defence and right of a fair trial are respected

Or. en

Amendment 893
Clare Daly

Proposal for a regulation
Article 55 – paragraph 3 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the information is accurate, kept up to date, and not transferred onwards;

Or. en

Amendment 894
Clare Daly

Proposal for a regulation
Article 55 – paragraph 3 – point a b (new)

Text proposed by the Commission

Amendment

(ab) no automated decision-making as referred to in Article 22 of Regulation 2016/679 takes place based on this information;

Or. en

Amendment 895
Clare Daly

Proposal for a regulation
Article 55 – paragraph 3 – point a c (new)

Text proposed by the Commission

Amendment

(ac) the information is handled by

specifically trained staff;

Or. en

Amendment 896

Jean-Paul Garraud, Tom Vandendriessche, Gunnar Beck

Proposal for a regulation

Article 55 – paragraph 3 – point b

Text proposed by the Commission

(b) the obliged entities have procedures in place that allow the distinction, in the processing of such data, between ***allegations***, investigations, proceedings and convictions, taking into account the fundamental right to a fair trial, the right of defence and the presumption of innocence.

Amendment

(b) the obliged entities have procedures in place that allow the distinction, in the processing of such data, between investigations, proceedings and convictions, taking into account the fundamental right to a fair trial, the right of defence and the presumption of innocence.

Or. fr

Amendment 897

Clare Daly

Proposal for a regulation

Article 55 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. staff handling such personal data shall have received appropriate training on the handling of sensitive personal data in the context of AML-CFT

Or. en

Amendment 898

Clare Daly

Proposal for a regulation

Article 55 – paragraph 4

Text proposed by the Commission

4. Personal data shall be processed by obliged entities on the basis of this Regulation only for the purposes of the prevention of money laundering and terrorist financing and shall not be further processed ***in a way that is incompatible with those purposes***. The processing of personal data on the basis of this Regulation for commercial purposes shall be prohibited.

Amendment

4. Personal data shall be processed by obliged entities on the basis of this Regulation only for the purposes of the prevention of money laundering and terrorist financing and shall not be further processed. The processing of personal data on the basis of this Regulation for commercial purposes shall be prohibited.

Or. en

Amendment 899
Nicola Beer

Proposal for a regulation
Article 55 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Without prejudice to further obligations under Regulation (EU) 2016/679 and [EU-AI Regulation], the processing of personal data according to paragraph 4 may be conducted by means of automated decision-making, including profiling (Article 4(3) of Regulation (EU) 2016/679), or artificial-intelligence systems as defined in [Article 3 of Regulation insert title EU-AI-Reg; COM(2021) 206 final)], provided that:

- the obliged entity has conducted the necessary data protection impact assessment according to Article 35 (3) (a) of Regulation (EU) 2016/679 prior to the processing***
- if the processing takes place in a third country, the requirements of Chapter V of Regulation (EU) 2016/679 are met***
- the processing of personal data only comprises data which an obliged entity has collected in the course of performing its customer due diligence obligations,***

including, in particular, the ongoing monitoring pursuant to Article 20.

Or. en

Justification

Necessary privacy changes related to AMs on outsourcing and PePs regulation. Have no meaning of their own.

Amendment 900

Dragoş Pîslaru, Gilles Boyer, Luis Garicano, Ramona Strugariu, Caroline Nagtegaal, Olivier Chastel, Fabienne Keller, Billy Kelleher, Michal Šimečka

**Proposal for a regulation
Article 55 a (new)**

Text proposed by the Commission

Amendment

Article 55a

Information exchange

(1) Obligated persons, competent authorities [within the meaning of Art. 2(31) of the Draft Regulation] and other public authorities of the EU and EU Member States, insofar as they act for the purpose of combating money laundering or terrorist financing, may provide each other, directly or through public-private partnerships (PPPs), insofar as they pursue the purpose of combating money laundering or terrorist financing, with information containing anomalies or unusual features indicating money laundering, one of its predicate offences or terrorist financing. The exchange of information may only take place for the purpose of combating money laundering, one of its predicate offenses or the financing of terrorism.

(2) Within the framework of the exchange of information pursuant to paragraph 1, the persons referred to in paragraph 1 may also process personal data within the meaning of Art. 4 No. 1 of the General Data Protection Regulation [as defined in

Art. 4 No. 2 of the General Data Protection Regulation]. Art. 14 (1) to (4) of the General Data Protection Regulation shall not apply; Art. 15, 16 and 18 of the General Data Protection Regulation shall apply subject to the consent of the competent authorities [as defined in Art. 2 (31) of the Draft Regulation]. The personal data shall be deleted after the expiration of 5 years after receipt of the data, unless there is a legal obligation or justification for the continued retention of the data.

(3) Information pursuant to paragraph 1, which is related to specific facts, may only be disclosed by obligated parties, irrespective of the submission of a notification pursuant to Art. 50 et seq. Draft Regulation may only be disclosed by obligated parties to other obligated parties if the information is not disclosed to 1. the contracting party of the obligated party submitting the report, 2. the principal of a transaction related to the facts of the case, 3. the beneficial owner of the persons referred to in points 1 and 2, 4. a person who has been appointed as a representative or messenger by one of the persons mentioned in numbers 1 to 3, 5. the legal counsel mandated by any of the persons referred to in numbers 1 to 4, and 6. other third parties not mentioned in paragraph 1.

(4) Information referred to in paragraph 1, for which an obliged person has made a report pursuant to Art. 50 et seq. of the Draft Regulation or on the basis of which such a report is about to be made, may be shared pursuant to paragraph 1 only if the competent authorities [within the meaning of Art. 2 par. 31 of the Draft Regulation] have previously given their consent to an exchange of information to all or selected persons referred to in paragraph 1. An information exchange pursuant to Art. 54 (2)-(6) of the Draft Regulation remains unaffected by this.

Amendment 901
Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation
Article 55 a (new)

Text proposed by the Commission

Amendment

Article 55a

1. Obligated entities, competent authorities [as defined in Article 2(31) of this Regulation] and other public bodies of the EU and of EU Member States, insofar as they act to combat money laundering or terrorist financing, may disclose to each other, directly or through public-private partnerships (PPPs), insofar as the latter act to combat money laundering or terrorist financing, information about anomalies or unusual circumstances that point to money laundering, one of its predicate offences or terrorist financing. The exchange of information referred to in the first sentence may take place only for the purpose of combating money laundering, one of its predicate offences or terrorist financing.

2. In connection with the exchange of information under paragraph 1, the persons referred to in that paragraph may also process personal data within the meaning of Article 4(1) of the General Data Protection Regulation (GDPR) [as defined in Article 4(2) of the GDPR]. Article 14(1) to (4) of the GDPR shall not apply. Articles 15, 16 and 18 of the GDPR shall apply subject to the agreement of the competent authorities concerned [as defined in Article 2(31) of this Regulation]. Personal data shall be deleted after a period of five years following receipt thereof unless there is a legal obligation or entitlement to continue to retain the data.

3. Information referred to in paragraph 1 which relates to specific facts may only be disclosed by obliged entities to other obliged entities, irrespective of submission of a report in accordance with Article 50 et seq. of this Regulation, if the information is not disclosed to:

(1) the contractual partner of the obliged entity making the disclosure;

(2) the principal of a transaction relating to the facts concerned;

(3) the beneficial owner of the persons referred to in points 1 and 2;

(4) a person appointed as a representative or agent by any of the persons referred to in points 1 to 3;

(5) the legal counsel instructed by any of the persons referred to in points 1 to 4; or

(6) other third parties not referred to in paragraph 1.

4. Information referred to in paragraph 1 in connection with which an obliged entity has submitted a report pursuant to Article 50 et seq. of this Regulation, or on the basis of which such a report is about to be submitted, may only be shared in accordance with paragraph 1 if the competent authorities [as defined in Article 2(31) of this Regulation] have previously given their consent to an exchange of information to all or selected persons referred to in paragraph 1. This shall be without prejudice to exchanges of information pursuant to Article 54(2) to (6) of this Regulation.

Or. de

**Amendment 902
Ralf Seekatz, Karolin Braunsberger-Reinhold**

**Proposal for a regulation
Article 55 b (new)**

Article 55 b

For the purposes of combating money laundering, obliged entities shall be permitted to rely on technologies involving machine learning, artificial intelligence or similar automated individual decision-making processes, including profiling, in accordance with Article 22(2)(b) of Regulation (EU) 2016/679, in order to comply directly or indirectly with the requirements of this Regulation and of Regulation (EU) 2015/847, as well as all regulatory technical standards, guidelines or other customary instruments (directly or indirectly related to the prevention and combating of money laundering and terrorist financing) issued by AMLA in connection with the above Regulations. Obligated entities shall inform data subjects in their privacy statements, for example, that use is made of automated decisions, including profiling, in accordance with Article 22(2)(b) of Regulation (EU) 2016/679. That information should explain the significance and possible consequences of such use for the data subject. AMLA, in cooperation with the European Data Protection Board, should develop regulatory technical standards specifying the minimum information required. The logical processing methods behind automated decision-making and profiling shall be retained by obliged entities and may be made available to competent authorities upon request. Such logical processing methods should be treated in confidence by competent authorities.

Or. de

Amendment 903

Dragoş Pîslaru, Gilles Boyer, Luis Garicano, Ramona Strugariu, Caroline Nagtegaal,

Proposal for a regulation
Article 55 b (new)

Text proposed by the Commission

Amendment

Article 55b

Exchange of data under Public Private Partnerships

- 1. For the purpose of combating money laundering and terrorist financing and related predicate offences, including for the fulfilment of their obligations under Chapter V of this Regulation [(reporting obligations)], obliged entities may, together with competent authorities as defined in Article 2(31) of this Regulation, including Europol, participate in cooperation arrangements established in one or across several Member States.**
- 2. Without prejudice of Regulation 2016/679, for no other purposes than those specifically mentioned in the arrangements pursuant to this Article and to the extent it is necessary to exchange information referred to in Article 54, by way of derogation of Article 54(1) of this Regulation, obliged entities participating in such arrangements may exchange the necessary information with other participating obliged entities and the competent authorities. Within the cooperation arrangements referred to in paragraph 1 and where such arrangements involve, inter alia, cooperation and information exchange between obliged entities and the aforementioned authorities, obliged entities shall process personal data in accordance with [new article on processing of personal data for AML purposes].**

Or. en

Amendment 904
Clare Daly

Proposal for a regulation
Article 56 – paragraph 2 – introductory part

Text proposed by the Commission

2. By way of derogation from paragraph 1, obliged entities **may decide to** replace the retention of copies of the information by a retention of the references to such information, provided that the nature and method of retention of such information ensure that the obliged entities can provide immediately to competent authorities the information and that the information cannot be modified or altered.

Amendment

2. By way of derogation from paragraph 1, obliged entities **shall** replace the retention of copies of the information by a retention of the references to such information, provided that the nature and method of retention of such information ensure that the obliged entities can provide immediately to competent authorities the information and that the information cannot be modified or altered.

Or. en

Justification

Reinforcing the principle of data minimisation.

Amendment 905
Christophe Hansen

Proposal for a regulation
Article 56 – paragraph 3 – introductory part

Text proposed by the Commission

3. The information referred to in **paragraphs 1 and 2** shall be retained for a period of five years after the end of a business relationship with their customer or after the date of an occasional transaction. Upon expiry of that retention period, obliged entities shall delete personal data.

Amendment

3. The information referred to in **paragraph 1** shall be retained for a period of five years after the end of a business relationship with their customer. **The information referred to in paragraph 2 shall be retained for a period of at least five years after the transaction** or after the date of an occasional transaction. Upon expiry of that retention period, obliged entities shall delete personal data.

Or. en

Amendment 906
Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation
Article 56 – paragraph 3 – introductory part

Text proposed by the Commission

(3) *The information referred to in paragraphs 1 and 2 shall be retained for a period of five years after the end of a business relationship with their customer or after the date of an occasional transaction. Upon expiry of that retention period, obliged entities shall delete personal data.*

Amendment

(3) *Customer data shall be retained for a period of five years after the end of a business relationship and transaction data shall be retained for five years after the date of an occasional transaction. Upon expiry of that retention period, obliged entities shall delete personal data.*

Or. de

Amendment 907
Clare Daly

Proposal for a regulation
Article 56 – paragraph 4

Text proposed by the Commission

4. *Where, on [the date of application of this Regulation], legal proceedings concerned with the prevention, detection, investigation or prosecution of suspected money laundering or terrorist financing are pending in a Member State, and an obliged entity holds information or documents relating to those pending proceedings, the obliged entity may retain that information or those documents, in accordance with national law, for a period of five years from [the date of application of this Regulation].*

Member States may, without prejudice to national criminal law on evidence applicable to ongoing criminal investigations and legal proceedings, allow or require the retention of such information or documents for a further period of five years where the necessity

Amendment

deleted

and proportionality of such further retention have been established for the prevention, detection, investigation or prosecution of suspected money laundering or terrorist financing.

Or. en

Amendment 908
Clare Daly

Proposal for a regulation
Article 57 – paragraph 1

Text proposed by the Commission

Obligated entities shall have systems in place that enable them to respond fully and speedily to enquiries from their FIU or from other competent authorities, in accordance with their national law, as to whether they are maintaining or have maintained, during a five-year period prior to that enquiry a business relationship with specified persons, and on the nature of that relationship, through secure channels and in a manner that ensures full confidentiality of the enquiries.

Amendment

Obligated entities shall have systems in place that enable them to respond fully and speedily to enquiries from their FIU or from other competent authorities, in accordance with their national law, as to whether they are maintaining or have maintained, during a five-year period prior to that enquiry a business relationship with specified persons, and on the nature of that relationship, through secure channels and in a manner that ensures full confidentiality of the enquiries.

Such system shall also provide for the authentication of competent authorities.

Or. en

Amendment 909
Frances Fitzgerald, Maria Walsh

Proposal for a regulation
Chapter VII – title

Text proposed by the Commission

VII Measures to mitigate risks deriving from anonymous ***instruments***

Amendment

VII Measures to mitigate risks deriving from anonymous ***products/services***

Amendment 910
Nicola Beer

Proposal for a regulation
Article 58 – paragraph 1 – introductory part

Text proposed by the Commission

1. Credit institutions, financial institutions and crypto-asset service providers shall be prohibited from keeping anonymous accounts, anonymous passbooks, anonymous safe-deposit boxes or anonymous crypto-asset wallets as well as any account otherwise allowing for the anonymisation of the customer account holder.

Amendment

1. Credit institutions, financial institutions and crypto-asset service providers shall be prohibited from keeping anonymous accounts, anonymous passbooks, anonymous safe-deposit boxes or anonymous crypto-asset wallets as well as any account otherwise allowing for the anonymisation of the customer account holder. ***Crypto-wallet service providers that do not have direct access to private user data or user funds and solely function as software providers are excluded.***

Justification

The Commission's plan to put crypto on an equal footing with the normal financial system and to oblige all service providers to identify the holders of the accounts held with them is to be welcomed overall. However, the current KOM definition of crypto service providers is very broad and also includes those who only offer software solutions and IT services. These services are more like password managers. They have no access to private data or assets of the wallets.

Amendment 911
Kira Marie Peter-Hansen, Ernest Urtasun
 on behalf of the Verts/ALE Group
Aurore Lalucq, Paul Tang

Proposal for a regulation
Article 58 – paragraph 1 – introductory part

Text proposed by the Commission

1. Credit institutions, financial

Amendment

1. Credit institutions, financial

institutions and crypto-asset service providers shall be prohibited from keeping anonymous accounts, anonymous passbooks, anonymous safe-deposit boxes or **anonymous** crypto-asset wallets **as well as any account** otherwise allowing for the anonymisation of the customer account holder.

institutions and crypto-asset service providers shall be prohibited from keeping anonymous accounts, anonymous passbooks, anonymous safe-deposit boxes or crypto-asset **privacy** wallets, **mixers and tumblers**, otherwise allowing for the anonymisation of the customer account holder **or any service that uses encryption and anonymisation tools to obfuscate transactions**.

Or. en

Amendment 912
Gunnar Beck

Proposal for a regulation
Article 58 – paragraph 1 – introductory part

Text proposed by the Commission

1. Credit institutions, financial institutions and crypto-asset service providers shall be prohibited from keeping anonymous accounts, anonymous passbooks, anonymous safe-deposit boxes or **anonymous** crypto-asset wallets as well as any account otherwise allowing for the anonymisation of the customer account holder.

Amendment

1. Credit institutions, financial institutions and crypto-asset service providers shall be prohibited from keeping anonymous accounts, anonymous passbooks, anonymous safe-deposit boxes or **tools used for the anonymisation of** crypto-asset wallets, as well as any account otherwise allowing for the anonymisation of the customer account holder.

Or. en

Justification

In the case of crypto asset wallets, tools can be used to anonymise wallets and transaction amounts from those wallets. For crypto-asset wallets, and cold wallets in particular, the customer due diligence is done at the initial sign-up, so these wallets are not technically anonymous.

Amendment 913
Lídia Pereira

Proposal for a regulation
Article 58 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Credit institutions, financial institutions and crypto-asset service providers shall be prohibited from keeping anonymous accounts, anonymous passbooks, anonymous safe-deposit boxes or **anonymous** crypto-asset wallets as well as any account otherwise allowing for the anonymisation of the customer account holder.

1. Credit institutions, financial institutions and crypto-asset service providers shall be prohibited from keeping anonymous accounts, anonymous passbooks, anonymous safe-deposit boxes or **instruments used for anonymising** crypto-asset wallets as well as any account otherwise allowing for the anonymisation of the customer account holder.

Or. en

Amendment 914

Nicola Beer

Proposal for a regulation

Article 58 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Owners and beneficiaries of existing anonymous accounts, anonymous passbooks, anonymous safe-deposit boxes or crypto-asset wallets shall be subject to customer due diligence measures before those accounts, passbooks, deposit boxes or crypto-asset wallets are used in any way.

deleted

Or. en

Justification

This sentence would ban all interactions with anonymous wallets. Even if individuals do not have active business relationships with CASPs (Crypto Asset Service Providers), your crypto exchanges would be affected by regulation. Even if they have no connection to trading platforms, identification would have to take place. A centralized data register would have to be created in which all persons are listed by name and their assets. Furthermore, whether private anonymous wallets have to be identified makes no difference to the fight against money laundering. The above first sentence of Article 58 is already sufficient to curb money laundering. As soon as a private exchange has contact with a trading platform, the wallet must be identified. The phrase "used in any way" is also extremely vague and far-reaching at the same time, meaning that non-financial transactions such as domain registration would also have to be recorded here. This would mean a significant encroachment on digital self-

determination and would not be proportionate. The sentence sets regulations which, on the one hand, can hardly be foreseen in terms of their scope and, on the other hand, have no obvious justification

Amendment 915

Fabio Massimo Castaldo, Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation

Article 58 – paragraph 3 – introductory part

Text proposed by the Commission

3. Companies shall be prohibited from issuing bearer shares, and shall convert all existing bearer shares into registered shares by [2 years after the date of application of this Regulation]. ***However, companies with securities listed on a regulated market or whose shares are issued as intermediated securities shall be permitted to maintain bearer shares.***

Amendment

3. Companies shall be prohibited from issuing bearer shares, and shall convert all existing bearer shares into registered shares by [2 years after the date of application of this Regulation].

Or. en

Amendment 916

Engin Eroglu

Proposal for a regulation

Article 59

Text proposed by the Commission

Article 59

Limits to large cash payments

(1) Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR 10 000 or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked.

(2) Member States may adopt lower limits following consultation of the European

Amendment

deleted

Central Bank in accordance with Article 2(1) of Council Decision 98/415/EC⁵⁷. Those lower limits shall be notified to the Commission within 3 months of the measure being introduced at national level.

(3) When limits already exist at national level which are below the limit set out in paragraph 1, they shall continue to apply. Member States shall notify those limits within 3 months of the entry into force of this Regulation.

(4) The limit referred to in paragraph 1 shall not apply to:

(a) payments between natural persons who are not acting in a professional function;

(b) payments or deposits made at the premises of credit institutions. In such cases, the credit institution shall report the payment or deposit above the limit to the FIU.

(5) Member States shall ensure that appropriate measures, including sanctions, are taken against natural or legal persons acting in their professional capacity which are suspected of a breach of the limit set out in paragraph 1, or of a lower limit adopted by the Member States.

(6) The overall level of the sanctions shall be calculated, in accordance with the relevant provisions of national law, in such way as to produce results proportionate to the seriousness of the infringement, thereby effectively discouraging further offences of the same kind.

⁵⁷ *Council Decision of 29 June 1998 on the consultation of the European Central Bank by national authorities regarding draft legislative provisions (OJ L 189, 3.7.1998, p. 42).*

Amendment 917
Nicola Beer

Proposal for a regulation
Article 59

Text proposed by the Commission

Amendment

Article 59

deleted

Limits to large cash payments

(1) Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR 10 000 or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked.

(2) Member States may adopt lower limits following consultation of the European Central Bank in accordance with Article 2(1) of Council Decision 98/415/EC⁵⁷. Those lower limits shall be notified to the Commission within 3 months of the measure being introduced at national level.

(3) When limits already exist at national level which are below the limit set out in paragraph 1, they shall continue to apply. Member States shall notify those limits within 3 months of the entry into force of this Regulation.

(4) The limit referred to in paragraph 1 shall not apply to:

(a) payments between natural persons who are not acting in a professional function;

(b) payments or deposits made at the premises of credit institutions. In such cases, the credit institution shall report the payment or deposit above the limit to the FIU.

(5) Member States shall ensure that appropriate measures, including

sanctions, are taken against natural or legal persons acting in their professional capacity which are suspected of a breach of the limit set out in paragraph 1, or of a lower limit adopted by the Member States.

(6) The overall level of the sanctions shall be calculated, in accordance with the relevant provisions of national law, in such way as to produce results proportionate to the seriousness of the infringement, thereby effectively discouraging further offences of the same kind.

⁵⁷ Council Decision of 29 June 1998 on the consultation of the European Central Bank by national authorities regarding draft legislative provisions (OJ L 189, 3.7.1998, p. 42).

Or. de

Amendment 918

Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation

Article 59

Text proposed by the Commission

Amendment

Article 59

deleted

Limits to large cash payments

(1) Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR 10 000 or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked.

(2) Member States may adopt lower limits following consultation of the European Central Bank in accordance with Article 2(1) of Council Decision 98/415/EC⁵⁷.

Those lower limits shall be notified to the Commission within 3 months of the measure being introduced at national level.

(3) When limits already exist at national level which are below the limit set out in paragraph 1, they shall continue to apply. Member States shall notify those limits within 3 months of the entry into force of this Regulation.

(4) The limit referred to in paragraph 1 shall not apply to:

(a) payments between natural persons who are not acting in a professional function;

(b) payments or deposits made at the premises of credit institutions. In such cases, the credit institution shall report the payment or deposit above the limit to the FIU.

(5) Member States shall ensure that appropriate measures, including sanctions, are taken against natural or legal persons acting in their professional capacity which are suspected of a breach of the limit set out in paragraph 1, or of a lower limit adopted by the Member States.

(6) The overall level of the sanctions shall be calculated, in accordance with the relevant provisions of national law, in such way as to produce results proportionate to the seriousness of the infringement, thereby effectively discouraging further offences of the same kind.

⁵⁷ Council Decision of 29 June 1998 on the consultation of the European Central Bank by national authorities regarding draft legislative provisions (OJ L 189, 3.7.1998, p. 42).

Or. de

Amendment 919
Clare Daly

Proposal for a regulation
Article 59

Text proposed by the Commission

Amendment

Article 59

deleted

Limits to large cash payments

1. Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR 10 000 or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked.

2. Member States may adopt lower limits following consultation of the European Central Bank in accordance with Article 2(1) of Council Decision 98/415/EC⁵⁷. Those lower limits shall be notified to the Commission within 3 months of the measure being introduced at national level.

3. When limits already exist at national level which are below the limit set out in paragraph 1, they shall continue to apply. Member States shall notify those limits within 3 months of the entry into force of this Regulation.

4. The limit referred to in paragraph 1 shall not apply to:

(a) payments between natural persons who are not acting in a professional function;

(b) payments or deposits made at the premises of credit institutions. In such cases, the credit institution shall report the payment or deposit above the limit to the FIU.

5. Member States shall ensure that appropriate measures, including sanctions, are taken against natural or

legal persons acting in their professional capacity which are suspected of a breach of the limit set out in paragraph 1, or of a lower limit adopted by the Member States.

6. The overall level of the sanctions shall be calculated, in accordance with the relevant provisions of national law, in such way as to produce results proportionate to the seriousness of the infringement, thereby effectively discouraging further offences of the same kind.

⁵⁷ Council Decision of 29 June 1998 on the consultation of the European Central Bank by national authorities regarding draft legislative provisions (OJ L 189, 3.7.1998, p. 42).

Or. en

Amendment 920
Markus Ferber

Proposal for a regulation
Article 59

Text proposed by the Commission

Amendment

Article 59

deleted

Limits to large cash payments

1. Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR 10 000 or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked.

2. Member States may adopt lower limits following consultation of the European Central Bank in accordance with Article 2(1) of Council Decision 98/415/EC⁵⁷. Those lower limits shall be notified to the

Commission within 3 months of the measure being introduced at national level.

3. When limits already exist at national level which are below the limit set out in paragraph 1, they shall continue to apply. Member States shall notify those limits within 3 months of the entry into force of this Regulation.

4. The limit referred to in paragraph 1 shall not apply to:

(a) payments between natural persons who are not acting in a professional function;

(b) payments or deposits made at the premises of credit institutions. In such cases, the credit institution shall report the payment or deposit above the limit to the FIU.

5. Member States shall ensure that appropriate measures, including sanctions, are taken against natural or legal persons acting in their professional capacity which are suspected of a breach of the limit set out in paragraph 1, or of a lower limit adopted by the Member States.

6. The overall level of the sanctions shall be calculated, in accordance with the relevant provisions of national law, in such way as to produce results proportionate to the seriousness of the infringement, thereby effectively discouraging further offences of the same kind.

⁵⁷ Council Decision of 29 June 1998 on the consultation of the European Central Bank by national authorities regarding draft legislative provisions (OJ L 189, 3.7.1998, p. 42).

Or. en

Amendment 921
Gunnar Beck, Nicolaus Fest

Proposal for a regulation
Article 59 – paragraph 1

Text proposed by the Commission

Amendment

(1) Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR 10 000 or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked. **deleted**

Or. de

Amendment 922
Nicola Beer

Proposal for a regulation
Article 59 – paragraph 1

Text proposed by the Commission

Amendment

(1) Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR 10 000 or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked. **deleted**

Or. de

Amendment 923
Engin Eroglu

Proposal for a regulation
Article 59 – paragraph 1

Text proposed by the Commission

Amendment

(1) Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR 10 000 or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked.

deleted

Or. de

Amendment 924

Marco Zanni, Annalisa Tardino, Antonio Maria Rinaldi, Valentino Grant, Gunnar Beck

Proposal for a regulation

Article 59 – paragraph 1

Text proposed by the Commission

Amendment

1. Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR 10 000 or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked.

1. Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR 10 000 ***Union-wide limit*** or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked, ***and in order to protect the fundamental rights and social inclusion of vulnerable users who have difficulties with electronic payments, such as the elderly and people with disabilities, a minimum limit of EUR 5,000 for cash payments should be ensured.***

Or. en

Amendment 925

Roberts Zile, Patryk Jaki

Proposal for a regulation

Article 59 – paragraph 1

Text proposed by the Commission

1. Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR **10 000** or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked.

Amendment

1. Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR **7 000** or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked **and whether the transaction has been done by resident or non-resident.**

Or. en

Amendment 926

Gilles Boyer, Olivier Chastel, Fabienne Keller, Luis Garicano, Caroline Nagtegaal, Dragoş Pîslaru, Michal Šimečka

Proposal for a regulation

Article 59 – paragraph 1

Text proposed by the Commission

1. Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR **10 000** or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked.

Amendment

1. Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR **5000** or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked.

Or. en

Amendment 927

Esther de Lange, Jeroen Lenaers

Proposal for a regulation

Article 59 – paragraph 1

Text proposed by the Commission

1. Persons trading in goods or providing services may accept or make a

Amendment

1. Persons trading in goods or providing services may accept or make a

payment in cash only up to an amount of EUR **10 000** or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked.

payment in cash only up to an amount of EUR **3 000** or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked.

Or. en

Amendment 928
Franco Roberti

Proposal for a regulation
Article 59 – paragraph 1

Text proposed by the Commission

1. Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR **10 000** or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked.

Amendment

1. Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR **2 000** or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked.

Or. it

Amendment 929
Franco Roberti, Jonás Fernández, Aurore Lalucq

Proposal for a regulation
Article 59 – paragraph 1

Text proposed by the Commission

1. Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR **10 000** or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked.

Amendment

1. Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR **2 000** or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked.

Amendment 930

Kira Marie Peter-Hansen

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 59 – paragraph 1

Text proposed by the Commission

1. Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR **10 000** or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked.

Amendment

1. Persons trading in goods or providing services may accept or make a payment in cash only up to an amount of EUR **1 000** or equivalent amount in national or foreign currency, whether the transaction is carried out in a single operation or in several operations which appear to be linked.

Amendment 931

Nicola Beer

Proposal for a regulation

Article 59 – paragraph 2

Text proposed by the Commission

(2) Member States may adopt lower limits following consultation of the European Central Bank in accordance with Article 2(1) of Council Decision 98/415/EC⁵⁷. Those lower limits shall be notified to the Commission within 3 months of the measure being introduced at national level.

Amendment

deleted

⁵⁷ Council Decision of 29 June 1998 on the consultation of the European Central Bank by national authorities regarding draft legislative provisions (OJ L 189, 3.7.1998, p. 42).

Amendment 932
Engin Eroglu

Proposal for a regulation
Article 59 – paragraph 2

Text proposed by the Commission

Amendment

(2) Member States may adopt lower limits following consultation of the European Central Bank in accordance with Article 2(1) of Council Decision 98/415/EC⁵⁷. Those lower limits shall be notified to the Commission within 3 months of the measure being introduced at national level.

deleted

⁵⁷ Council Decision of 29 June 1998 on the consultation of the European Central Bank by national authorities regarding draft legislative provisions (OJ L 189, 3.7.1998, p. 42).

Amendment 933
Martin Schirdewan

Proposal for a regulation
Article 59 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States may adopt lower limits following consultation of the European Central Bank in accordance with Article 2(1) of Council Decision 98/415/EC⁵⁷. Those lower limits shall be notified to the Commission within 3 months of the measure being introduced at national level.

2. Member States may adopt lower limits following consultation of the European Central Bank in accordance with Article 2(1) of Council Decision 98/415/EC⁵⁷ ***provided that financial inclusion is guaranteed in accordance with Article 15 and Article 16(2) of Directive 2014/92/EU. Any lower limit adopted by Member States shall be in accordance with the status and***

functioning of euro banknotes as legal tender and shall not be set at a lower level than objectively necessary to serve the public interest of preventing or uncovering money laundering or terrorist financing. Those lower limits shall be notified to the Commission within 3 months of the measure being introduced at national level.

⁵⁷ Council Decision of 29 June 1998 on the consultation of the European Central Bank by national authorities regarding draft legislative provisions (OJ L 189, 3.7.1998, p. 42).

⁵⁷ Council Decision of 29 June 1998 on the consultation of the European Central Bank by national authorities regarding draft legislative provisions (OJ L 189, 3.7.1998, p. 42).

Or. en

Amendment 934

Marco Zanni, Annalisa Tardino, Antonio Maria Rinaldi, Valentino Grant, Gunnar Beck

Proposal for a regulation

Article 59 – paragraph 2

Text proposed by the Commission

2. Member States may adopt lower limits following consultation of the European Central Bank in accordance with Article 2(1) of Council Decision 98/415/EC⁵⁷. Those lower limits shall be notified to the Commission within 3 months of the measure being introduced at national level.

⁵⁷ Council Decision of 29 June 1998 on the consultation of the European Central Bank by national authorities regarding draft legislative provisions (OJ L 189, 3.7.1998,

Amendment

2. Member States may adopt lower limits following consultation of the European Central Bank in accordance with Article 2(1) of Council Decision 98/415/EC⁵⁷. Those lower limits shall be notified to the Commission within 3 months of the measure being introduced at national level. ***In order to protect the fundamental rights and social inclusion of vulnerable users who have difficulties with electronic payments, such as the elderly and people with disabilities, a minimum limit of EUR 5,000 for cash payments should be ensured.***

⁵⁷ Council Decision of 29 June 1998 on the consultation of the European Central Bank by national authorities regarding draft legislative provisions (OJ L 189, 3.7.1998,

p. 42).

p. 42).

Or. en

Amendment 935

Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation

Article 59 – paragraph 4 – point b

Text proposed by the Commission

(b) payments or deposits made at the premises of credit institutions. ***In such cases, the credit institution shall report the payment or deposit above the limit to the FIU.***

Amendment

(b) payments or deposits made at the premises of credit institutions.

Or. de

Amendment 936

Dragoș Pîslaru, Gilles Boyer, Luis Garicano, Ramona Strugariu, Olivier Chastel, Fabienne Keller, Billy Kelleher, Michal Šimečka

Proposal for a regulation

Article 59 – paragraph 4 – point b

Text proposed by the Commission

(b) payments or deposits made at the premises of credit institutions. In such cases, the credit institution shall report the payment or deposit above the limit to the FIU.

Amendment

(b) payments or deposits made at the premises of credit institutions. In such cases, the credit institution shall report the payment or deposit above the limit to the FIU, ***in particular in case of suspicious activities and transactions.***

Or. en

Amendment 937

Martin Schirdewan

Proposal for a regulation

Article 59 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *Member States shall ensure that the FIU is informed where there are indications that payments in cash, below or above the threshold of EUR 10 000, are related to criminal activity.*

Or. en

Amendment 938
Franco Roberti

Proposal for a regulation
Article 59 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *When there are indications that payments in cash, below or above the threshold of 2000 euros, are related to criminal activity, Member States shall record that information, in particular the owner and the recipient of the cash, and ensure that the information collected is available to FIUs and other competent authorities in charge of investigations, including, in cross-border cases, to Europol.*

Or. en

Amendment 939
Martin Schirdewan

Proposal for a regulation
Article 59 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. *Persons trading in real property shall be prohibited from accepting cash payments for a transaction involving real property.*

Amendment 940
Franco Roberti

Proposal for a regulation
Article 59 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Those sanctions should apply to the breach of the limit under this Regulation and should not take into account the potential criminal activity associated with the cash, which may be the object of further investigation and measures that fall outside the scope of this Regulation.

Or. en

Amendment 941
Kira Marie Peter-Hansen, Ernest Urtasun, Aurore Lalucq, Paul Tang

Proposal for a regulation
Article 59 a (new)

Text proposed by the Commission

Amendment

Article 59a

Transfers in crypto-assets without the involvement of a crypto-asset service provider

1. Persons trading in goods or providing services may accept or make a transfer in crypto-assets from a distributed ledger address not linked to a crypto-asset service provider only up to an amount equivalent to EUR 1 000, whether the transaction is carried out in a single operation or in several operations which appear to be linked, unless the customer or beneficial owner of the distributed ledger address can be identified.

2. The limit referred to in paragraph 1 shall not apply to:

(a) transfers of crypto-assets between natural persons who are not acting in a professional function;

(b) transfers of crypto-assets involving a crypto-asset service provider.

3. Member States shall ensure that appropriate measures, including sanctions, are taken against natural or legal persons acting in their professional capacity which are suspected of a breach of the limit set out in paragraph 1.

4. The overall level of the sanctions shall be calculated, in accordance with the relevant provisions of national law, in such way as to produce results proportionate to the seriousness of the infringement, thereby effectively discouraging further offences of the same kind.

Or. en

**Amendment 942
Martin Schirdewan**

**Proposal for a regulation
Article 60 – paragraph 2**

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 23, 24 **and 25** shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Regulation].

Amendment

2. The power to adopt delegated acts referred to in Articles 23, 24, **25 and 42(5a)** shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Regulation].

Or. en

**Amendment 943
Martin Schirdewan**

Proposal for a regulation
Article 60 – paragraph 3

Text proposed by the Commission

3. The power to adopt delegated acts referred to in Articles 23, 24 **and 25** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The power to adopt delegated acts referred to in Articles 23, 24, **25 and 42(5a)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 944
Martin Schirdewan

Proposal for a regulation
Article 60 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 23, 24 **and 25** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of one month of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by one month at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Articles 23, 24, **25 and 42(5a)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of one month of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by one month at the initiative of the European Parliament or of the Council.

Or. en

Amendment 945

Fabio Massimo Castaldo, Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation

Article 63 – paragraph 1 – introductory part

Text proposed by the Commission

By [3 years from the date of application of this Regulation], the Commission shall present reports to the European Parliament and to the Council assessing the need and proportionality of:

Amendment

By [2 years from the date of application of this Regulation], the Commission shall present reports to the European Parliament and to the Council assessing the need and proportionality of:

Or. en

Amendment 946

Gunnar Beck, Nicolaus Fest

Proposal for a regulation

Article 63 – paragraph 1 – point b

Text proposed by the Commission

(b) further lowering the limit for large cash payments.

Amendment

deleted

Or. de

Amendment 947

Nicola Beer

Proposal for a regulation

Article 63 – paragraph 1 – point b

Text proposed by the Commission

(b) further lowering the limit for large cash payments.

Amendment

deleted

Or. de

Amendment 948

Engin Eroglu

**Proposal for a regulation
Article 63 – paragraph 1 – point b**

Text proposed by the Commission

Amendment

(b) further lowering the limit for large cash payments. **deleted**

Or. de

**Amendment 949
Clare Daly**

**Proposal for a regulation
Article 63 – paragraph 1 – point b**

Text proposed by the Commission

Amendment

(b) further lowering the limit for large cash payments. **deleted**

Or. en

**Amendment 950
Martin Schirdewan**

**Proposal for a regulation
Article 63 – paragraph 1 – point b**

Text proposed by the Commission

Amendment

(b) further lowering the limit for large cash payments.

(b) the limits to large cash payments established by the Union and individually by Member States, following consultation with the European Central Bank.

Or. en

**Amendment 951
Gunnar Beck**

Proposal for a regulation
Article 65 – paragraph 2

Text proposed by the Commission

It shall apply from [3 years from its date of entry into force].

Amendment

It shall apply from [4 years from its date of entry into force].

Or. en

Amendment 952
Clare Daly

Proposal for a regulation
Annex I – paragraph 1 – point a – point ii

Text proposed by the Commission

(ii) *the customer's and the customer's beneficial owner's reputation;*

deleted

Amendment

Or. en

Amendment 953
Clare Daly

Proposal for a regulation
Annex I – paragraph 1 – point a – point ii

Text proposed by the Commission

(ii) *the customer's and the customer's beneficial owner's reputation;*

deleted

Amendment

Or. en

Amendment 954
Clare Daly

Proposal for a regulation
Annex I – paragraph 1 – point a – point iii

Text proposed by the Commission

Amendment

(iii) the customer's and the customer's beneficial owner's nature and behaviour; *deleted*

Or. en

Amendment 955
Clare Daly

Proposal for a regulation
Annex I – paragraph 1 – point a – point iii

Text proposed by the Commission

Amendment

(iii) the customer's and the customer's beneficial owner's ***nature and behaviour***;

(iii) the customer's and the customer's beneficial owner's ***receptiveness, transparency and integrity***;

Or. en

Amendment 956
Ralf Seekatz, Karolin Braunsberger-Reinhold

Proposal for a regulation
Annex II – paragraph 1 – point 2 – point d

Text proposed by the Commission

Amendment

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

(d) financial products or services that provide appropriately defined and limited services to certain types of customers, so as to increase access for financial inclusion purposes; ***this category includes, inter alia, SME guarantees***;

Or. de

Amendment 957
Markus Ferber

Proposal for a regulation
Annex II – paragraph 1 – point 2 – point d

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 958

Clare Daly, Martin Schirdewan

Proposal for a regulation

Annex II – paragraph 1 – point 3 – point a

Text proposed by the Commission

(a) Member States;

Amendment

(a) Member States ***identified in the Commission's supra-national risk assessment in Article 7 of Directive [please insert reference – proposal for 6th Anti-Money Laundering Directive - COM/2021/423 final], as having on average a low risk in relation to money laundering and terrorist financing***;

Or. en

Amendment 959

Clare Daly, Martin Schirdewan

Proposal for a regulation

Annex II – paragraph 1 – point 3 – point b

Text proposed by the Commission

(b) third countries having effective AML/CFT systems;

Amendment

(b) third countries having effective AML/CFT systems ***as identified by the Commission upon assessment of an independent advisory board in Article 23***;

Or. en

Amendment 960
Clare Daly, Martin Schirdewan

Proposal for a regulation
Annex II – paragraph 1 – point 3 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 961
Clare Daly, Martin Schirdewan

Proposal for a regulation
Annex II – paragraph 1 – point 3 – point d

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 962
Kira Marie Peter-Hansen
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex III – paragraph 1 – point 1 – point d

Text proposed by the Commission

Amendment

(d) companies that have nominee shareholders or shares in bearer form;

(d) *shell companies, offshore vehicles, trusts, foundations and* companies that have nominee shareholders or shares in bearer form *or fiduciary deposits*;

Or. en

Amendment 963
Clare Daly

Proposal for a regulation
Annex III – paragraph 1 – point 1 – point e

Text proposed by the Commission

Amendment

(e) *businesses that are cash-intensive;* *deleted*

Or. en

Amendment 964
Markus Ferber

Proposal for a regulation
Annex III – paragraph 1 – point 1 – point e

Text proposed by the Commission

Amendment

(e) *businesses that are cash-intensive;* *deleted*

Or. en

Amendment 965
Kira Marie Peter-Hansen
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex III – paragraph 1 – point 1 – point f

Text proposed by the Commission

Amendment

(f) the ownership structure of the company appears unusual or excessively complex *given the nature of the*

(f) the ownership structure of the company appears unusual or excessively complex *and constructed in such a way to*

company's business;

conceal beneficial ownership;

Or. en

Amendment 966

Eva Kaili

Proposal for a regulation

Annex III – paragraph 1 – point 1 – point g

Text proposed by the Commission

(g) customer is a third country national who applies for residence rights in a Member State in exchange of any kind of investment, including capital transfers, purchase or renting of property, investment in government bonds, investment in corporate entities, donation or endowment of an activity contributing to the public good and contributions to the state budget;

Amendment

(g) customer is a third country national who applies for ***citizenship of or*** residence rights in a Member State in exchange of any kind of investment, including capital transfers, purchase or renting of property, investment in government bonds, investment in corporate entities, donation or endowment of an activity contributing to the public good and contributions to the state budget;

Or. en

Amendment 967

Marco Zanni

Proposal for a regulation

Annex III – paragraph 1 – point 2 – point a

Text proposed by the Commission

(a) private banking;

Amendment

(a) ***the bank must define which of the private banking products and services are objectively at high risk, on the basis of international practice.***

Or. en

Amendment 968

Kira Marie Peter-Hansen, Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a regulation
Annex III – paragraph 1 – point 2 – point b

Text proposed by the Commission

(b) products or transactions that might favour anonymity;

Amendment

(b) products or transactions that might favour anonymity, ***including anonymity-enhanced cryptocurrency (AEC) or privacy coins***;

Or. en

Amendment 969
Kira Marie Peter-Hansen, Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex III – paragraph 1 – point 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) anonymising services and tools, including privacy wallets, mixers and tumblers as well as Internet Protocol (IP) anonymizers such as The Onion Router (Tor), the Invisible Internet Project (I2P) and other anonymizing softwares;

Or. en

Amendment 970
Kira Marie Peter-Hansen

Proposal for a regulation
Annex III – paragraph 1 – point 2 – point c

Text proposed by the Commission

Amendment

(c) payment received from unknown or unassociated third parties;

(c) payment ***or transfers of assets*** received from unknown or unassociated third parties;

Or. en

Amendment 971
Markus Ferber

Proposal for a regulation
Annex III – paragraph 1 – point 2 – point d

Text proposed by the Commission

Amendment

(d) new products and new business practices, including new delivery mechanism, and the use of new or developing technologies for both new and pre-existing products; **deleted**

Or. en

Justification

Innovation should not be labelled as "high risk" per se.

Amendment 972
Kira Marie Peter-Hansen, Ernest Urtasun
on behalf of the Verts/ALE Group
Csaba Molnár

Proposal for a regulation
Annex III – paragraph 1 – point 2 – point e

Text proposed by the Commission

Amendment

(e) transactions related to oil, arms, precious metals, tobacco products, cultural artefacts and other items of archaeological, historical, cultural and religious importance, or of rare scientific value, as well as ivory and protected species;

(e) transactions related to oil, arms, precious metals, *and stones or jewels and luxury watches*, tobacco products, *luxury real estate and luxury cars, vessels, aircrafts*, cultural artefacts, *high value digital collectibles* and other items of archaeological, historical, cultural and religious importance, or of rare scientific value, as well as ivory and protected species;

Or. en

Amendment 973

Markus Ferber

**Proposal for a regulation
Annex III – paragraph 1 – point 2 – point e**

Text proposed by the Commission

(e) transactions related to oil, arms, precious metals, ***tobacco products***, cultural artefacts and other items of archaeological, historical, cultural and religious importance, or of rare scientific value, as well as ivory and protected species;

Amendment

(e) transactions related to oil, arms, precious metals, cultural artefacts and other items of archaeological, historical, cultural and religious importance, or of rare scientific value, as well as ivory and protected species;

Or. en

Amendment 974
Kira Marie Peter-Hansen, Ernest Urtasun
on behalf of the Verts/ALE Group

**Proposal for a regulation
Annex III – paragraph 1 – point 2 a (new)**

Text proposed by the Commission

Amendment

- (2a) counterpart risk factors:***
- (a) transactions from or to an non obliged entity, such as unhosted wallets, unregistered or unlicensed entities providing crypto assets services and decentralised arrangements;***
 - (b) entities identified as not applying minimum customer due diligence procedures;***
 - (c) entities identified by credible sources/acknowledged process, as having strong connections and links to money laundering, terrorist financing and other illegal activities, including darknet marketplaces, ransomware and hacking;***
 - (d) crypto-ATMs.***

Or. en

Amendment 975
Clare Daly, Martin Schirdewan

Proposal for a regulation
Annex III – paragraph 1 – point 3 – point a

Text proposed by the Commission

(a) third countries ***subject to increased monitoring or otherwise*** identified by the ***FATF due to the*** compliance weaknesses in their AML/CFT systems;

Amendment

(a) third countries identified by the ***Commission upon assessment of an independent advisory board in Article 23 as having*** compliance weaknesses in their AML/CFT systems;

Or. en

Amendment 976
Kira Marie Peter-Hansen, Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex III – paragraph 1 – point 3 – point a a (new)

Text proposed by the Commission

Amendment

(aa) ***third countries identified by the Union as high risk third countries or included in the EU list of non-cooperative jurisdictions for tax purposes;***

Or. en

Amendment 977
Clare Daly, Martin Schirdewan

Proposal for a regulation
Annex III – paragraph 1 – point 3 – point b

Text proposed by the Commission

(b) third countries identified by credible sources/ acknowledged processes, such as mutual evaluations, detailed assessment reports or published follow-up reports, as not having effective AML/CFT

Amendment

(b) ***Member States and*** third countries identified by credible sources/ acknowledged processes, such as mutual evaluations, detailed assessment reports or published follow-up reports, as not having

systems;

effective AML/CFT systems;

Or. en

Amendment 978

Kira Marie Peter-Hansen, Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a regulation

Annex III – paragraph 1 – point 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) third countries identified by credible sources/ acknowledged processes as having none or inadequate regulation on crypto-asset service providers;

Or. en

Amendment 979

Clare Daly, Martin Schirdewan

Proposal for a regulation

Annex III – paragraph 1 – point 3 – point c

Text proposed by the Commission

Amendment

(c) third countries identified by credible sources/ acknowledged processes as having significant levels of corruption or other criminal activity;

(c) **Member States and** third countries identified by credible sources/ acknowledged processes as having significant levels of corruption or other criminal activity;

Or. en

Amendment 980

Kira Marie Peter-Hansen, Ernest Urtasun
on behalf of the Verts/ALE Group

Proposal for a regulation

Annex III – paragraph 1 – point 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) third countries identified by credible sources/ acknowledged processes as favouring financial secrecy, such as offshore centres;

Or. en

Amendment 981
Clare Daly

Proposal for a regulation
Annex III – paragraph 1 – point 3 – point d

Text proposed by the Commission

Amendment

(d) third countries subject to sanctions, embargos or similar measures issued by, for example, the Union or the United Nations;

deleted

Or. en

Amendment 982
Clare Daly

Proposal for a regulation
Annex III – paragraph 1 – point 3 – point e

Text proposed by the Commission

Amendment

(e) third countries providing funding or support for terrorist activities, or that have designated terrorist organisations operating within their country.

deleted

Or. en

Justification

We do not believe that this geographical risk factor is suitable and may risk discrimination against countries who have terrorist groups operating in their country but that are not supported by the state.

