



---

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

---

**2021/0240(COD)**

16.5.2022

**\*\*\*I**

## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council establishing the Authority for Anti-Money Laundering and Countering the Financing of Terrorism and amending Regulations (EU) No 1093/2010, (EU) 1094/2010, (EU) 1095/2010 (COM(2021)0421 – C9-0340/2021 – 2021/0240(COD))

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

Rapporteurs: Luis Garicano, Emil Radev

(Joint committee procedure – Rule 58 of the Rules of Procedure)

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

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

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

## CONTENTS

	<b>Page</b>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION .....	5



## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council establishing the Authority for Anti-Money Laundering and Countering the Financing of Terrorism and amending Regulations (EU) No 1093/2010, (EU) 1094/2010, (EU) 1095/2010**

**(COM(2021)0421 – C9-0340/2021 – 2021/0240(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0421),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0340/2021),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Central Bank of 16 February 2022,<sup>1</sup>
  - having regard to the opinion of the European Economic and Social Committee of 8 December 2021<sup>2</sup>,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs and the Committee on Civil Liberties, Justice and Home Affairs (A9-0000/2022),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

#### **Proposal for a regulation**

#### **Recital 5**

---

<sup>1</sup> Not yet published in the Official Journal.

<sup>2</sup> OJ C ... / Not yet published in the Official Journal.

*Text proposed by the Commission*

(5) To bring AML/CFT supervision to an efficient and uniform level across the Union, it is necessary to provide the Authority with the following powers: direct supervision of a certain number of selected obliged entities of the financial sector; monitoring, analysis and exchange of information concerning ML/TF risks affecting internal market; coordination and oversight of AML/CFT supervisors of the financial sector; coordination and oversight of AML/CFT supervisors of the non-financial sector, including self-regulatory bodies and the coordination and support of FIUs.

*Amendment*

(5) To bring AML/CFT supervision to an efficient and uniform level across the Union, it is necessary to provide the Authority with the following powers: direct supervision of a certain number of selected obliged entities of the financial sector, ***including crypto-asset service providers***; monitoring, analysis and exchange of information concerning ML/TF risks affecting internal market; coordination and oversight of AML/CFT supervisors of the financial sector; coordination and oversight of AML/CFT supervisors of the non-financial sector, including self-regulatory bodies and the coordination and support of FIUs.

Or. en

## **Amendment 2**

### **Proposal for a regulation**

#### **Recital 6**

*Text proposed by the Commission*

(6) Combining both direct and indirect supervisory competences over obliged entities, and also functioning as a support and ***cooperation*** mechanism for FIUs, is the most appropriate means of bringing about supervision and cooperation between FIUs at Union level. This should be achieved by creating an Authority which should combine independence and a high level of technical expertise and which should be established in line with the Joint Statement and Common Approach of the European Parliament, the Council of the European Union and the European Commission on decentralised agencies<sup>32</sup>.

*Amendment*

(6) Combining both direct and indirect supervisory competences over obliged entities, and also functioning as a support and ***coordination*** mechanism for FIUs, is the most appropriate means of bringing about supervision and cooperation between FIUs at Union level. This should be achieved by creating an Authority which should combine independence and a high level of technical expertise and which should be established in line with the Joint Statement and Common Approach of the European Parliament, the Council of the European Union and the European Commission on decentralised agencies<sup>32</sup>.

---

<sup>32</sup> <https://europa.eu/european->

---

<sup>32</sup> <https://europa.eu/european->

union/sites/default/files/docs/body/joint\_statement\_and\_common\_approach\_2012\_en.pdf.

union/sites/default/files/docs/body/joint\_statement\_and\_common\_approach\_2012\_en.pdf.

Or. en

### Amendment 3

#### Proposal for a regulation

##### Recital 7

###### *Text proposed by the Commission*

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

###### *Amendment*

(7) A seat agreement should be established between the Authority and the host Member State, stipulating the conditions of establishment of the seat and advantages conferred by the Member State on the Authority and its staff. ***In line with point 9 of the Common Approach, the Authority should conclude a headquarters agreement with the host Member State in a timely manner before it starts its operational phase.***

Or. en

### Amendment 4

#### Proposal for a regulation

##### Recital 8

###### *Text proposed by the Commission*

(8) The powers of the Authority should allow it to improve AML/CFT supervision in the Union in various ways. With respect to selected obliged entities, the Authority should ensure group-wide compliance with the requirements laid down in the AML/CFT framework and any other legally binding Union acts that impose AML/CFT-related obligations on financial institutions. Furthermore, the Authority should carry out periodic reviews to ensure

###### *Amendment*

(8) The powers of the Authority should allow it to improve AML/CFT supervision in the Union in various ways. With respect to selected obliged entities, the Authority should ensure group-wide compliance with the requirements laid down in the AML/CFT framework and any other legally binding Union acts that impose AML/CFT-related obligations on financial institutions. Furthermore, the Authority should carry out periodic reviews to ensure

that all financial supervisors have adequate resources and powers necessary for the performance of their tasks. It should facilitate the functioning of the AML supervisory colleges and contribute to convergence of supervisory practices and promotion of high supervisory standards. With respect to non-financial supervisors, including self-regulatory bodies where appropriate, the Authority should coordinate peer reviews of supervisory standards and practices and request non-financial supervisors to **investigate possible breaches** of AML/CFT requirements. In addition, the Authority should coordinate the conduct of joint analyses **by** FIUs and make available to FIUs IT and artificial intelligence services and tools for secure information sharing, including through hosting of FIU.net.

that all financial supervisors have adequate resources and powers necessary for the performance of their tasks. It should facilitate the functioning of the AML supervisory colleges and contribute to convergence of supervisory practices and promotion of high supervisory standards. With respect to non-financial supervisors, including self-regulatory bodies where appropriate, the Authority should coordinate peer reviews of supervisory standards and practices and request non-financial supervisors to **ensure the observance** of AML/CFT requirements **in their sphere of competence**. In addition, the Authority should **be able to initiate, coordinate and support** the conduct of joint analyses **alongside** FIUs and make available to FIUs IT and artificial intelligence services and tools for secure information sharing, including through hosting of FIU.net.

Or. en

## Amendment 5

### Proposal for a regulation

#### Recital 9

##### *Text proposed by the Commission*

(9) With the objective to strengthen AML/CFT rules at Union level and to enhance their clarity while ensuring consistency with international standards and other legislation, it is necessary to establish the coordinating role of the Authority at Union level in relation to all types of obliged entities to assist national supervisors and promote supervisory convergence, in order to increase the efficiency of the implementation of AML/CFT measures, also in the non-financial sector. Consequently, the Authority should be mandated to prepare regulatory technical standards, to adopt

##### *Amendment*

(9) With the objective to strengthen AML/CFT rules at Union level and to enhance their clarity while ensuring consistency with international standards and other legislation, it is necessary to establish the coordinating role of the Authority at Union level in relation to all types of obliged entities to assist national supervisors and promote supervisory convergence, in order to increase the efficiency of the implementation of AML/CFT measures, also in the non-financial sector. Consequently, the Authority should be mandated to prepare regulatory technical standards, to adopt



guidelines, recommendations and opinions with the aim that where supervision remains at national level, the same supervisory practices and standards apply in principle to all comparable entities. The Authority should be entrusted, due to its highly specialised expertise, with the development of a supervisory methodology, in line with a risk-based approach. Certain aspects of the methodology, which can incorporate harmonised quantitative benchmarks, such as approaches for classifying the inherent **risk profile** of obliged entities should be detailed in directly applicable binding regulatory measures – regulatory or implementing technical standards. **Other aspects, which require wider supervisory discretion, such as approaches to assessing residual risk profile and internal controls in the obliged entities should be covered by non-binding guidelines, recommendations and opinions of the Authority.** The harmonised supervisory methodology should take due account of, and where appropriate, leverage the existing supervisory methodologies relating to other aspects of supervision of the financial sector obliged entities, especially where there is interaction between AML/CFT supervision and prudential supervision. Specifically, the supervisory methodology to be developed by the Authority should be complementary to guidelines and other instruments developed by the European Banking Authority detailing approaches of prudential supervisory authorities with respect to factoring ML/TF risks in prudential supervision, in order to ensure effective interaction between prudential and AML/CFT supervision.

guidelines, recommendations and opinions with the aim that where supervision remains at national level, the same supervisory practices and standards apply in principle to all comparable entities. The Authority should be entrusted, due to its highly specialised expertise, with the development of a supervisory methodology, in line with a risk-based approach. Certain aspects of the methodology, which can incorporate harmonised quantitative benchmarks, such as approaches for classifying the inherent **and residual risk profiles** of obliged entities should be detailed in directly applicable binding regulatory measures – regulatory or implementing technical standards, **drawing a distinction between obliged entities based on the type and nature of money laundering and terrorism financing risks to which they are exposed.** The harmonised supervisory methodology should take due account of, and where appropriate, leverage the existing supervisory methodologies relating to other aspects of supervision of the financial sector obliged entities, especially where there is interaction between AML/CFT supervision and prudential supervision. Specifically, the supervisory methodology to be developed by the Authority should be complementary to guidelines and other instruments developed by the European Banking Authority detailing approaches of prudential supervisory authorities with respect to factoring ML/TF risks in prudential supervision, in order to ensure effective interaction between prudential and AML/CFT supervision.

Or. en

## Amendment 6

### Proposal for a regulation

#### Recital 12

##### *Text proposed by the Commission*

(12) Since there are no sufficiently effective arrangements to handle AML/CFT incidents involving cross-border aspects it is necessary to put in place an integrated AML/CFT supervisory system at Union level that ensures consistent high-quality application of the AML/CFT supervisory methodology and promotes efficient cooperation between all relevant competent authorities. For these reasons, the Authority and national AML/CFT supervisory authorities ('supervisory authorities') should constitute an AML/CFT supervisory system. This would also benefit supervisory authorities when facing specific challenges, for example vis-à-vis an enhanced AML/CFT risk or due to a lack of resources, as within that system mutual assistance should be possible on request. This could involve exchange and secondments of personnel, training activities and exchanges of best practices. Furthermore, the Commission could provide technical support to Member States under Regulation (EU) 2021/240 of the European Parliament and of the Council to promote reforms aimed at reinforcement of the fight against money laundering.<sup>33</sup>

---

<sup>33</sup> Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument (OJ L 57, 18.2.2021, p. 1).

##### *Amendment*

(12) Since there are no sufficiently effective arrangements to handle AML/CFT incidents involving cross-border aspects it is necessary to put in place an integrated AML/CFT supervisory system at Union level that ensures consistent high-quality application of the AML/CFT supervisory methodology and promotes efficient cooperation between all relevant competent authorities. For these reasons, the Authority and national AML/CFT supervisory authorities ('supervisory authorities') should constitute an AML/CFT supervisory system. This would also benefit supervisory authorities when facing specific challenges, for example vis-à-vis an enhanced AML/CFT risk or due to a lack of resources, as within that system mutual assistance should be possible on request. This could involve exchange and secondments of personnel, training activities and exchanges of best practices, ***including on data protection***. Furthermore, the Commission could provide technical support to Member States under Regulation (EU) 2021/240 of the European Parliament and of the Council to promote reforms aimed at reinforcement of the fight against money laundering.<sup>33</sup>

---

<sup>33</sup> Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument (OJ L 57, 18.2.2021, p. 1).

Or. en

## Amendment 7

### Proposal for a regulation Recital 13

#### *Text proposed by the Commission*

(13) Considering the important role of thematic reviews in AML/CFT supervision across the Union as they enable to identify and compare the level of exposure to risks and trends in relation to obliged entities under supervision, and that currently supervisors in different Member States do not benefit from these reviews, it is necessary that the Authority identifies national thematic reviews that have a similar scope and time-frame and ensures their coordination at the level of the Union. To avoid situations of possibly conflicting communications with supervised entities, the coordination role of the Authority should be limited to interaction with relevant supervisory authorities, and should not include any direct interaction with non-selected obliged entities. For the same reason, the Authority should explore the possibility of aligning or synchronising the timeframe of the national thematic reviews and facilitate any activities that the relevant supervisory authorities may wish to carry out jointly or similarly.

#### *Amendment*

(13) Considering the important role of thematic reviews in AML/CFT supervision across the Union as they enable to identify and compare the level of exposure to risks and trends in relation to obliged entities under supervision, and that currently supervisors in different Member States do not benefit from these reviews, it is necessary that the Authority identifies national thematic reviews that have a similar scope and time-frame and ensures their coordination at the level of the Union. To avoid situations of possibly conflicting communications with supervised entities, the coordination role of the Authority should be limited to interaction with relevant supervisory authorities, and should not include any direct interaction with non-selected obliged entities, ***except in duly justified cases***. For the same reason, the Authority should explore the possibility of aligning or synchronising the timeframe of the national thematic reviews and facilitate any activities that the relevant supervisory authorities may wish to carry out jointly or similarly.

Or. en

## Amendment 8

### Proposal for a regulation Recital 14

#### *Text proposed by the Commission*

(14) The efficient usage of data leads to better monitoring and compliance of firms. Therefore, both direct and indirect supervision by the Authority and

#### *Amendment*

(14) The efficient usage of data leads to better monitoring and compliance of firms. Therefore, both direct and indirect supervision by the Authority and

supervisory authorities of all obliged entities across the system should rely on expedient access to relevant data and information about the obliged entities themselves and the supervisory actions and measures taken towards them. To that end, the Authority should establish a central AML/CFT database with information collected from all supervisory authorities, and should make such information **selectively** available to any supervisory authority within the system. This data should also cover withdrawal of authorisation procedures, fit and proper assessments of shareholders and members of individual obliged entities as this will enable relevant authorities to duly consider possible shortcomings of specific entities and individuals that might have materialised in other Member States. The database should also include statistical information about supervisory and other public authorities involved in AML/CFT supervision. Such information would enable effective oversight by the Authority of the proper functioning and effectiveness of the AML/CFT supervisory system. The information from the database would enable the Authority to react in a timely manner to potential weaknesses and cases of non-compliance by non-selected obliged entities. Pursuant to Article 24 of Council Regulation (EU) 2017/1939<sup>34</sup>, the Authority will without undue delay report to the EPPO any criminal conduct in respect of which it could exercise its competence in accordance with Article 22 and Article 25(2) and (3) of that Regulation. Pursuant to Article 8 of Regulation 883/2013<sup>35</sup>, the Authority will transmit to OLAF without delay any information relating to possible cases of fraud, corruption or any other illegal activity affecting the financial interests of the Union.

supervisory authorities of all obliged entities across the system should rely on expedient access to relevant data and information about the obliged entities themselves and the supervisory actions and measures taken towards them, **subject to limited retention periods in accordance with the applicable data protection framework**. To that end, the Authority should establish a central AML/CFT database with information collected from all supervisory authorities, and should make such information available to any supervisory authority within the system, **on a confidential and need-to-know basis**. This data should also cover withdrawal of authorisation procedures, fit and proper assessments of shareholders and members of individual obliged entities as this will enable relevant authorities to duly consider possible shortcomings of specific entities and individuals that might have materialised in other Member States. The database should also include statistical information about supervisory and other public authorities involved in AML/CFT supervision, **as well as information pertaining to weaknesses identified during supervision and authorisation procedures**. Such information would enable effective oversight by the Authority of the proper functioning and effectiveness of the AML/CFT supervisory system. The information from the database would enable the Authority to react in a timely manner to potential weaknesses and cases of non-compliance by non-selected obliged entities. Pursuant to Article 24 of Council Regulation (EU) 2017/1939<sup>34</sup>, the Authority will without undue delay report to the EPPO any criminal conduct in respect of which it could exercise its competence in accordance with Article 22 and Article 25(2) and (3) of that Regulation. Pursuant to Article 8 of Regulation 883/2013<sup>35</sup>, the Authority will transmit to OLAF without delay any information relating to possible cases of fraud, corruption or any other illegal

activity affecting the financial interests of the Union.

---

<sup>34</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

<sup>35</sup> Regulation (EU, EURATOM) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1073/1999 (OJ L 248, 18.9.2013, p. 1).

---

<sup>34</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

<sup>35</sup> Regulation (EU, EURATOM) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1073/1999 (OJ L 248, 18.9.2013, p. 1).

Or. en

## Amendment 9

### Proposal for a regulation Recital 14 a (new)

*Text proposed by the Commission*

*Amendment*

***(14a) To enable the Authority to carry out its duties, the supervisory authorities should provide the Authority with all the necessary information regarding selected and non-selected obliged entities, provided that they have legal access to the relevant information. In exceptional and duly justified cases, the Authority should be able to address a request directly to the relevant obliged entities or associations of obliged entities in order to conduct its tasks related to AML/CFT supervision.***

Or. en

## Amendment 10

### Proposal for a regulation Recital 14 b (new)

*Text proposed by the Commission*

*Amendment*

***(14b) To bring AML/CFT supervision to an effective and consistent level across the Union, and to carry out their duties, supervisory authorities and the Authority should cooperate and exchange all the necessary information regarding selected and non-selected obliged entities. The Authority should ensure that adequate and effective cooperation mechanisms are put in place and implemented so that it can exchange information with supervisors, including non-AML/CFT authorities, and other stakeholders.***

Or. en

## Amendment 11

### Proposal for a regulation Recital 14 c (new)

*Text proposed by the Commission*

*Amendment*

***(14c) The Authority should also promote exchanges between supervisory authorities and obliged entities in a structured and efficient manner. To that end, the Authority should develop a structured system, including questionnaires and templates, available to all supervisors, that enables the collection of information while avoiding double reporting.***

Or. en

## Amendment 12

### Proposal for a regulation Recital 14 d (new)

*Text proposed by the Commission*

*Amendment*

***(14d) In the context of its supervisory tasks, the Authority should also actively cooperate with competent FIUs and Europol. Where the Authority, in the course of its supervisory and oversight activities, discovers facts, that could be related to money laundering, to a predicate offence or to terrorist financing, it should ensure that the information is promptly made available to the competent FIUs and to Europol within their respective areas of competence.***

Or. en

## Amendment 13

### Proposal for a regulation Recital 16

*Text proposed by the Commission*

*Amendment*

(16) The first category of credit and financial institutions, or groups of such institutions should be assessed every three years, based on a combination of objective criteria related to their cross-border presence and activity, and criteria related to their inherent ML/FT risk profile. ***Only large complex financial groups present in a number of Member States that could be more efficiently supervised at Union level should be included in the selection process. With respect to credit institutions, minimal cross-border presence for inclusion in the selection process should be based on the number of subsidiaries and branches in different Member States, because risky banking activities of significant volume require a local***

(16) The first category of credit and financial institutions, ***including crypto-asset service providers***, or groups of such institutions should be assessed every three years, based on a combination of objective criteria related to their cross-border presence and activity, and criteria related to their inherent ML/FT risk profile. ***During subsequent selection rounds, the Authority should assess those institutions based on residual risk benchmarks in order to better target the riskiest of those obliged entities. In order to ensure that direct supervision by the Authority has added value, only cross-border entities operating in a minimum number of Member States, either through having an establishment or as a result of the freedom***

*presence in a form of an establishment. Other financial sector entities may, in contrast, carry out activities that can be sufficiently risky from an ML/TF perspective by means of direct provision of services, for example via a network of agents, but may not have established subsidiaries or branches in a large number of Member States. Therefore, applying the same cross-border criteria, that is to say the one related to freedom of establishment, would result in scoping out large financial sector entities that can have a significant risk profile in a number of Member States, without being established there. Since the volume of activities via direct provision of services is generally smaller than the volume of activities carried out in a branch or a subsidiary, it is appropriate to consider only groups that are established in at least two Member States, but provide services directly or via a network of agents in at least eight more Member States.*

*to provide services, should fall within the remit of the Authority.*

Or. en

## Amendment 14

### Proposal for a regulation

#### Recital 17

*Text proposed by the Commission*

(17) In order to ensure that only the riskiest obliged entities ***among those with significant cross-border operations*** are supervised directly at the level of the Union, the assessment of their inherent risk should be harmonised. Currently, there are various national approaches and supervisory authorities use distinct benchmarks for assessment and classification of inherent ML/TF risk of obliged entities. Using these national methodologies for selection of entities for direct supervision at Union level could lead

*Amendment*

(17) In order to ensure that only the riskiest obliged entities are supervised directly at the level of the Union, the assessment of their inherent ***and residual*** risk should be harmonised. Currently, there are various national approaches and supervisory authorities use distinct benchmarks for assessment and classification of ***the inherent and residual*** ML/TF risk of obliged entities. Using these national methodologies for selection of entities for direct supervision at Union level could lead to a different playing field



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

among them. Therefore, the Authority should be empowered to develop regulatory technical standards laying out harmonised **methodologies** and benchmarks for categorising inherent *and residual* ML/TF risk as low, medium, substantial, or high. The **Authority should also, at a later stage, develop common residual risk benchmarks. Those methodologies** should be tailored to particular types of risks and therefore should follow different categories of obliged entities which are financial institutions in accordance with the Regulation of the European Parliament and of the Council on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing [OP please insert the next number for COM(2021)420], **as well as crypto-asset service providers. Those methodologies** should be sufficiently detailed and should establish specific quantitative and qualitative benchmarks considering at least the risk factors related to types of customers served, products and services offered, and geographical areas, including third country jurisdictions that obliged entities operate in or are related to. Specifically, each assessed obliged entity would have its inherent risk profile classified in each Member State where it operates in a manner consistent with the classification of any other obliged entity in the Union. The quantitative and qualitative benchmarks would allow such classification to be objective and not dependent on the discretion of a given supervisory authority in a Member State, or the discretion of the Authority.

Or. en

## **Amendment 15**

### **Proposal for a regulation Recital 18**

*Text proposed by the Commission*

(18) The final selection criterion should warrant a level playing field among directly supervised obliged entities, and to that end, no discretion should be left to the Authority or supervisory authorities in deciding on the list of obliged entities that should be subject to direct supervision. Therefore, where a given assessed obliged entity operates cross-border and falls within the high risk category in accordance with the harmonised methodology in a minimum number of Member States, it should be deemed a selected obliged entity. ***In case of credit institutions, the cross-border aspect should be addressed by including those credit institutions that are classified as high risk in at least four Member States and where in at least one Member State of those four the entity has been under supervisory or other public investigation for material breaches of AML/CFT requirements. In case of other financial institutions, the cross-border aspect should be addressed by including those financial institutions that are classified as high risk in at least one Member State where they are established and at least five other Member States where they operate by means of direct provision of services.***

*Amendment*

(18) The final selection criterion should warrant a level playing field among directly supervised obliged entities, and to that end, no discretion should be left to the Authority or supervisory authorities in deciding on the list of obliged entities that should be subject to direct supervision. Therefore, where a given assessed obliged entity operates cross-border and falls within the high risk category in accordance with the harmonised methodology in a minimum number of Member States, it should be deemed a selected obliged entity.

Or. en

**Amendment 16**

**Proposal for a regulation**

**Recital 19**

*Text proposed by the Commission*

(19) To provide transparency and clarity to the relevant institutions, the Authority should publish a list of the selected obliged entities within one month of

*Amendment*

(19) To provide transparency and clarity to the relevant institutions, the Authority should publish a list of the selected obliged entities within one month of

commencement of a selection round, after verifying the correspondence of information provided by the financial supervisors to the cross-border activities criteria and the inherent **risk methodology**. Therefore it is important that at the beginning of each selection period, the relevant financial supervisors provide the Authority with up-to-date statistical information to determine the list of financial institutions eligible for assessment in accordance with the assessment entry criteria relating to their cross-border operations. In this context, the financial supervisors should inform the Authority about the inherent risk category that a financial institution falls into in their jurisdictions in accordance with the **methodology** laid down in the regulatory technical standards. The Authority should then assume the tasks related to direct supervision five months after the publication of the list. That time is needed to appropriately prepare the transfer of supervisory tasks from national to Union level, including the formation of a joint supervisory team, and adopting any relevant working arrangements with the relevant financial supervisors.

commencement of a selection round, after verifying the correspondence of information provided by the financial supervisors to the cross-border activities criteria and the inherent **and residual risk methodologies**. Therefore it is important that at the beginning of each selection period, the relevant financial supervisors **and, if necessary, the obliged entities themselves**, provide the Authority with up-to-date statistical information to determine the list of financial institutions eligible for assessment in accordance with the assessment entry criteria relating to their cross-border operations. In this context, the financial supervisors should inform the Authority about the inherent **and residual risk category** that a financial institution **or crypto-asset service provider** falls into in their jurisdictions in accordance with the **methodologies** laid down in the regulatory technical standards. The Authority should then assume the tasks related to direct supervision five months after the publication of the list. That time is needed to appropriately prepare the transfer of supervisory tasks from national to Union level, including the formation of a joint supervisory team, and adopting any relevant working arrangements with the relevant financial supervisors.

Or. en

## Amendment 17

### Proposal for a regulation Recital 21

#### *Text proposed by the Commission*

(21) The relevant actors involved in the application of the AML/CFT framework should cooperate with each other in accordance with the duty of sincere cooperation enshrined in the Treaties. In order to ensure that the AML supervisory

#### *Amendment*

(21) The relevant actors involved in the application of the AML/CFT framework should cooperate with each other in accordance with the duty of sincere cooperation enshrined in the Treaties. In order to ensure that the AML supervisory

system composed of the Authority and supervisory authorities functions as an integrated mechanism, and that jurisdiction-specific risks and local supervisory expertise are duly taken into account and well utilised, direct supervision of selected obliged entities should take place in the form of joint supervisory teams. These teams should be led by a staff member of the Authority coordinating all supervisory activities of the team. ***To ensure an adequate understanding of possible national specificities, the team leader ('JST coordinator') should be stationed in the Member State where a selected entity has its headquarter.*** The Authority should be in charge of establishment and composition of the joint supervisory team, and ***the local supervisors*** should ensure that a sufficient number of ***their*** staff members are appointed to the team, taking into account the risk profile of the selected entity in ***their*** jurisdiction.

system composed of the Authority and supervisory authorities functions as an integrated mechanism, and that jurisdiction-specific risks and local supervisory expertise are duly taken into account and well utilised, direct supervision of selected obliged entities should take place in the form of joint supervisory teams. These teams should be led by a staff member of the Authority coordinating all supervisory activities of the team. The Authority should be in charge of establishment and composition of the joint supervisory team, and ***each local supervisor involved in the supervision of the selected obliged entity*** should ensure that a sufficient number of ***its*** staff members are appointed to the team, taking into account the risk profile of the selected entity in ***its*** jurisdiction ***as well as its overall volume of activity.***

Or. en

## Amendment 18

### Proposal for a regulation

#### Recital 24

*Text proposed by the Commission*

(24) The Authority should have a full range of supervisory powers in relation to directly supervised entities in order to ensure compliance with applicable requirements. These powers should apply in cases where the selected entity does not meet its requirements, in cases where certain requirements are not likely to be met, as well as in cases where internal ***process*** and controls are not appropriate to ensure sound management of selected obliged entity's ML/FT risks. The exercise of these powers could be done by means of

*Amendment*

(24) The Authority should have a full range of supervisory powers in relation to directly supervised entities in order to ensure compliance with applicable requirements. These powers should apply in cases where the selected entity does not meet its requirements, in cases where certain requirements are not likely to be met, as well as in cases where internal ***processes*** and controls are not appropriate to ensure sound management of selected obliged entity's ML/FT risks. The exercise of these powers could be done by means of

binding decisions addressed to selected individual obliged entities.

binding decisions addressed to selected individual obliged entities, *as well as by means of recommendations*.

Or. en

## Amendment 19

### Proposal for a regulation Recital 25

#### *Text proposed by the Commission*

(25) In addition to supervisory powers and in order to ensure compliance, in cases of material breaches of directly applicable requirements, the Authority should be able to impose administrative pecuniary sanctions on the selected obliged entities. Such sanctions should be proportionate and dissuasive, should have both punitive and deterrent effect, and should comply with the principle of ne bis in idem. The maximum amounts of pecuniary sanctions should be in line with those established by [please insert reference – 6<sup>th</sup> Anti-Money Laundering Directive] and available to all supervisory authorities across the Union. The basic amounts of these sanctions should be determined within the limits established by the AML/CFT framework, taking into account the nature of the requirements that have been breached. In order for the Authority to take aggravating or mitigating factors adequately into account, adjustments to the relevant basic amount should be possible. With the objective to achieve a timely change of the damaging business practice, the Executive Board of the Authority should be empowered to impose periodic penalty payments to compel the relevant legal or natural person to cease the relevant conduct. With the aim to heighten awareness of all obliged entities, by encouraging them to adopt business practices in line with the AML/CFT

#### *Amendment*

(25) In addition to supervisory powers and in order to ensure compliance, in cases of material breaches of directly applicable requirements, the Authority should be able to impose administrative pecuniary sanctions *and other measures* on the selected obliged entities. *Those measures should be defined in regulatory technical standards by means of indicators to classify the level of gravity of the breaches and the criteria to be taken into account when setting the level of administrative pecuniary sanctions and other measures.* Such sanctions should be proportionate and dissuasive, should have both punitive and deterrent effect, and should comply with the principle of ne bis in idem. The maximum amounts of pecuniary sanctions should be in line with those established by [please insert reference – 6<sup>th</sup> Anti-Money Laundering Directive] and available to all supervisory authorities across the Union. The basic amounts of these sanctions should be determined within the limits established by the AML/CFT framework, taking into account the nature of the requirements that have been breached. In order for the Authority to take aggravating or mitigating factors adequately into account, adjustments to the relevant basic amount should be possible. With the objective to achieve a timely change of the damaging business practice, the Executive Board of the Authority should be

framework, the sanctions and penalties should be disclosed. The Court of Justice should have jurisdiction to review the legality of decisions adopted by the Authority, the Council and the Commission, in accordance with Article 263 TFEU, as well as for determining their non-contractual liability.

empowered to impose periodic penalty payments to compel the relevant legal or natural person to cease the relevant conduct. With the aim to heighten awareness of all obliged entities, by encouraging them to adopt business practices in line with the AML/CFT framework, the sanctions and penalties should be disclosed. The Court of Justice should have jurisdiction to review the legality of decisions adopted by the Authority, the Council and the Commission, in accordance with Article 263 TFEU, as well as for determining their non-contractual liability.

Or. en

## Amendment 20

### Proposal for a regulation Recital 27

#### *Text proposed by the Commission*

(27) For non-selected obliged entities, the AML/CFT supervision is to remain primarily at national level, with national competent authorities retaining full responsibility and accountability for direct supervision. The Authority should be granted adequate indirect supervisory powers to ensure that supervisory actions at national level are consistent and of a high quality across the Union. Therefore, it should carry out assessments of the state of supervisory convergence and publish reports with its findings. It should be empowered to issue guidelines and recommendations, addressed to both obliged entities as well as supervisory authorities, with a view to ensuring harmonised and high level supervisory practices across the Union.

#### *Amendment*

(27) For non-selected obliged entities, the AML/CFT supervision is to remain primarily at national level, with national competent authorities retaining full responsibility and accountability for direct supervision. The Authority should be granted adequate indirect supervisory powers to ensure that supervisory actions at national level are consistent and of a high quality across the Union. Therefore, it should carry out assessments of the state of supervisory convergence and publish reports with its findings. It should be empowered to issue guidelines and recommendations, addressed to both obliged entities as well as supervisory authorities, ***and should request the relevant authorities to take follow-up measures on their application*** with a view to ensuring harmonised and high level supervisory practices across the Union.

## Amendment 21

### Proposal for a regulation Recital 27 a (new)

*Text proposed by the Commission*

*Amendment*

***(27a) The Authority should lead in ensuring a consistent functioning of colleges of supervisors for non-selected obliged entities operating in several Member States, taking account of the systemic risk posed by financial institutions, and should, where appropriate, convene a meeting of a college. The Authority should also have a role in legally binding mediation to resolve disputes between competent authorities and, where necessary, to take supervisory decisions directly applicable to the institution concerned. Prudential supervisors including the European Central Bank, the European Supervisory Authorities and, where necessary, FIUs, should actively engage in such colleges, using them as forums for discussion and to exchange relevant information.***

Or. en

## Amendment 22

### Proposal for a regulation Recital 28

*Text proposed by the Commission*

*Amendment*

(28) Certain obliged entities in the financial sector that do not meet the requirements for regular selection might still have a high inherent profile from the money laundering and terrorism financing perspective, or might take on, change or

(28) Certain obliged entities in the financial sector that do not meet the requirements for regular selection might still have a high inherent ***or residual risk*** profile from the money laundering and terrorism financing perspective, or might

expand activities that entail high risk, not mitigated with a commensurate level of internal controls, thus leading to material breaches of its AML/CFT requirements. If there are indications of possible material breaches of applicable AML/CFT requirements, they may be a sign of gross negligence on part of the obliged entity. The supervisory authority should in most cases be able to adequately respond to any possible breaches and prevent the risks from materialising and leading to gross negligence of AML/CFT requirements. However, in certain cases a national level response might not be sufficient or timely, especially when there are indications that material breaches at the level of the entity have already occurred. In those cases, the Authority should *be able to* request the local supervisor to take specific measures to remedy the situation, including requesting to issue financial sanctions. To prevent money laundering and terrorism risks from materialising, the deadline for action at national level should be sufficiently short.

take on, change or expand activities that entail high risk, not mitigated with a commensurate level of internal controls, thus leading to material breaches of its AML/CFT requirements. If there are indications of possible material breaches of applicable AML/CFT requirements, they may be a sign of gross negligence on part of the obliged entity. The supervisory authority should in most cases be able to adequately respond to any possible breaches and prevent the risks from materialising and leading to gross negligence of AML/CFT requirements. However, in certain cases a national level response might not be sufficient or timely, especially when there are indications that material breaches at the level of the entity have already occurred. In those cases, the Authority should request the local supervisor to take specific measures to remedy the situation, including requesting to issue financial sanctions. To prevent money laundering and terrorism risks from materialising, the deadline for action at national level should be sufficiently short.

Or. en

## Amendment 23

### Proposal for a regulation Recital 28 a (new)

*Text proposed by the Commission*

*Amendment*

***(28a) In the case of possible material breaches, the Authority should be notified where the situation of any non-selected obliged entity with regard to its compliance with applicable requirements and its exposure to money laundering and terrorism financing risks deteriorates rapidly and significantly, especially where such deterioration could lead to significant harm to the reputation of several Member States or of the Union as***



*a whole.*

Or. en

## **Amendment 24**

### **Proposal for a regulation Recital 28 b (new)**

*Text proposed by the Commission*

*Amendment*

***(28b) The Authority should put in place effective and reliable mechanisms to encourage the reporting of potential and actual breaches of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] by obliged entities or breaches of [please insert reference – proposal for 6th Anti-Money Laundering Directive - COM/2021/423 final] by competent supervisors. For that purpose, the Authority should provide communication channels for the reporting to take place in a confidential and secure manner. Such channels should ensure that the identity of persons providing information is known only to the Authority.***

Or. en

## **Amendment 25**

### **Proposal for a regulation Recital 28 c (new)**

*Text proposed by the Commission*

*Amendment*

***(28c) Member States should ensure that individuals, including employees and representatives of the obliged entity and financial supervisors, who report to the Authority actual or potential breaches of Regulation [please insert reference –***

*proposal for Anti-Money Laundering Regulation - COM/2021/420final] or breaches of [please insert reference – proposal for 6th Anti-Money Laundering Directive - COM/2021/423 final], are legally protected from being exposed to threats, retaliatory or hostile action, and in particular from adverse or discriminatory employment actions. Member States should also ensure that individuals who are exposed to threats, hostile actions, or adverse or discriminatory employment actions for reporting to the Authority actual or potential breaches of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420final] or breaches of [please insert reference – proposal for 6th Anti-Money Laundering Directive - COM/2021/423 final], are entitled to present a complaint in a safe manner to the respective competent authorities. Without prejudice to the confidentiality of information gathered by the FIU, Member States should ensure that such individuals have the right to an effective remedy to safeguard their rights in accordance with the Union law. In accordance with Article 23 of the Directive (EU) 2019/1937 of the European Parliament and of the Council<sup>1</sup> Member States should also provide for proportionate and dissuasive penalties applicable in respect of reporting persons where it is established that they knowingly reported or publicly disclosed false information.*

---

<sup>1</sup> *Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).*

Or. en

## Amendment 26

### Proposal for a regulation Recital 29

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

## Amendment 27

### Proposal for a regulation Recital 29 a (new)

***(29a) In specific cases, following a request from a financial supervisor, the Authority should assess whether or not it is necessary to exercise direct supervision in accordance with this Regulation in respect of non-selected obliged entities in order to ensure the consistent application of high supervisory standards. The financial supervisor's request should be accompanied by a report indicating the supervisory history and risk profile of the relevant non-selected obliged entity. In cases where the Authority does not agree with the financial supervisor's request, it should consult with that financial supervisor prior to its final assessment as to whether AML/CFT supervision by the Authority of the non-selected obliged entity is necessary. If the Authority agrees with the financial supervisor's request, the Authority should address a specific request to the Commission to grant permission to transfer the relevant tasks and powers related to direct supervision of the non-selected obliged entity from the financial supervisor concerned to the Authority. The request of the Authority should identify the non-selected entity and entail appropriate justification for the direct supervision, and should indicate a precise duration of the transfer of tasks and powers to the Authority. The Commission should adopt a decision transferring powers and tasks for supervising the entity to the Authority swiftly, and in any case within one month of the request. The decision should be notified to the Authority, which should immediately inform the financial supervisor and the non-selected obliged entity thereof. That decision should also be communicated to the European Parliament and to the Council.***

Or. en

## Amendment 28

### Proposal for a regulation Recital 29 b (new)

*Text proposed by the Commission*

*Amendment*

***(29b) The Authority should play an important role in the settlement of disagreements between competent authorities in cross-border situations in relation to this Regulation, by assisting competent authorities in reaching an agreement. Such assistance could occur at the request of one or more of the competent authorities concerned or on the Authority's own initiative, where on the basis of objective reasons, disagreement can be determined between competent authorities. The competent authorities concerned should notify the Authority without undue delay that an agreement has not been reached.***

Or. en

## Amendment 29

### Proposal for a regulation Recital 29 c (new)

*Text proposed by the Commission*

*Amendment*

***(29c) The Executive Board should assess whether the Authority is able to act at the request of the competent authorities concerned. Where the intervention is on the Authority's own initiative, the Authority should notify the competent authorities concerned of its decision regarding the intervention. The Authority should set a time limit for conciliation between the competent authorities taking into account any relevant time periods specified in Union law and the complexity***

*and urgency of the matter. At that stage the Authority should act as a mediator. In cases where competent authorities concerned fail to reach an agreement during the conciliation phase, the Authority should be able to take a decision requiring those authorities to take specific action, or to refrain from certain action, in order to settle the matter, and to ensure compliance with Union law. The decision of the Authority should be binding on the competent authorities concerned. The Authority's decision should be able to require competent authorities to revoke or amend a decision that they have adopted or to make use of the powers which they have under the relevant Union law. The Authority should notify the competent authorities concerned of the conclusion of the procedure. The Chair of the Authority should set out the nature and type of disagreements between competent authorities, the agreements reached and the decisions taken to settle such disagreements in the annual report of the Authority.*

Or. en

## **Amendment 30**

### **Proposal for a regulation Recital 30**

*Text proposed by the Commission*

(30) In order to improve supervisory practices in the non-financial sector, the Authority should carry out peer reviews of supervisory authorities in the non-financial sector, including public authorities overseeing self-regulatory bodies (SRBs), and publish reports with its findings; those could be accompanied by guidelines or recommendations addressed to the relevant public authorities, including public

*Amendment*

(30) In order to improve supervisory practices in the non-financial sector, the Authority should carry out peer reviews of supervisory authorities in the non-financial sector, including public authorities overseeing self-regulatory bodies (SRBs), and publish reports with its findings; those could be accompanied by guidelines or recommendations addressed to the relevant public authorities, including public

authorities overseeing SRBs. SRBs should be able to participate in peer reviews on a case-by-case basis where they have expressed their willingness to participate.

authorities overseeing SRBs. ***When performing those peer reviews, the Authority should not duplicate existing assessments and should take into account all relevant information.*** SRBs should be able to participate in peer reviews on a case-by-case basis where they have expressed their willingness to participate.

Or. en

## Amendment 31

### Proposal for a regulation Recital 31 a (new)

*Text proposed by the Commission*

*Amendment*

***(31a) Taking into account the cross-border nature of money laundering and terrorist financing, coordination and cooperation between FIUs are extremely important. In order to improve such coordination and cooperation, and, in particular, to ensure that subjects of the FIU's interest in other Member States are identified, along with their proceeds, and funds, the Authority and FIUs should constitute the FIU Support and Coordination Mechanism. Its aim should be preventing, detecting and effectively combating money laundering and terrorism financing in the internal market, facilitating cooperation among FIUs, supporting and, in some cases, initiating joint analyses in order to bring together all relevant information, identifying trends and factors relevant in assessing the risks of money laundering and terrorist financing at national and Union level, as well as exchanging views on cooperation-related issues such as effective cooperation among FIUs and between FIUs and third-country financial intelligence units.***

Or. en

## Amendment 32

### Proposal for a regulation Recital 32

*Text proposed by the Commission*

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

*Amendment*

(32) In order to analyse suspicious activity affecting multiple jurisdictions, the relevant FIUs that received linked reports should be able to efficiently conduct joint analyses of cases of common interest. To this end, the Authority should be able to ***initiate***, propose, coordinate and support with all appropriate means the joint analyses of cross-border suspicious transactions or activities, ***as well as to adopt internal procedures on the methods and criteria for the selection and prioritisation of cases relevant for*** joint analyses. The relevant ***FIUs should participate in the conduct of*** the joint analysis. ***Exceptionally, a FIU could decline to participate in the conduct of the joint analysis by duly explaining and justifying it to the Authority in writing. The Authority should provide such explanations and justifications to the other FIUs involved without delay.***

Or. en

## Amendment 33

### Proposal for a regulation Recital 32 a (new)

*Text proposed by the Commission*

*Amendment*

***(32a) The joint analyses should be triggered with the aim of establishing cross-border links between suspicious transactions and underlying possible criminal activity in order to prevent and combat money laundering and terrorist***



*financing. When conducting the analyses, the Authority and FIUs should disseminate their results as well as additional information to the competent authorities, including, where relevant, Europol, where there are grounds to suspect money laundering, associated predicate offences or financing of terrorism. The FIU delegates of the FIUs participating in the joint analysis should be granted access, directly or indirectly, to all data pertaining to the subject-matter of the joint analysis and should be able to process those data for the purposes of conducting the joint analysis in accordance with the applicable data protection rules, in particular in respect of receiving and analysing suspicious transactions and other information in accordance with Article 17 [please insert reference to the proposal for 6th Anti-Money Laundering Directive - COM/2021/423 final ]. Upon the explicit consent of the FIUs participating in the joint analyses, the staff of the Authority supporting the conduct of joint analyses should be able to receive and process the necessary data pertaining to the analysed cases. With the aim of facilitating cooperation with Europol, where relevant, Europol should be able to take part in the joint analysis, subject to the agreement of participating FIUs, when such joint analysis is requested by an FIU. For the purposes of carrying out analysis in relation to the joint analysis, Europol should have a liaison officer within the Authority. Europol should be given access to a part or all of the data with the explicit consent of the participating FIUs. Europol data should be processed in accordance with [please insert reference to Regulation 2016/794 (Recast)].*

Or. en

## Amendment 34

### Proposal for a regulation Recital 33

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 35

### Proposal for a regulation Recital 34

*Text proposed by the Commission*

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

*Amendment*

(34) In order to facilitate and improve cooperation between FIUs and the Authority, including for the purposes ***of*** conducting joint analyses, the FIUs should be able to delegate one staff member per FIU to the Authority. The national FIU delegates should support the Authority's staff in carrying out all the tasks relating to FIUs, including the conduct of joint analyses and the preparation of threat assessments and strategic analyses of money laundering and terrorist financing threats, risks and methods. ***In that regard, delegating FIUs should facilitate the exercise of the functions of the relevant FIU delegates and refrain from any***

FIUs, including training and staff exchanges in order to improve capacity building and enable the exchange of knowledge and good practices amongst FIUs.

*action or policy that could adversely affect their career or status in the national system. In particular, FIUs should provide the relevant FIU delegates with the resources and equipment necessary for the exercise of their functions, ensuring that they are fully integrated in the delegating FIU and remain able to receive and analyse suspicious transactions and other information in accordance with Article 17 [please insert reference – proposal for 6th Anti-Money Laundering Directive - COM/2021/423 final].* Apart from the joint analyses, the Authority should encourage and facilitate various forms of mutual assistance between FIUs, including training and staff exchanges in order to improve capacity building and enable the exchange of knowledge and good practices amongst FIUs. *The Authority should also facilitate the development or procurement of IT tools and services to enhance its analysis capabilities and those of the FIUs, for example on blockchain analysis and on commercially held data, where appropriate.*

Or. en

## Amendment 36

### Proposal for a regulation Recital 35

*Text proposed by the Commission*

(35) The Authority should manage, host, and maintain FIU.net, the dedicated IT system allowing FIUs to cooperate and exchange information amongst each other and, where appropriate, with their counterparts from third countries and third parties. The Authority should, *in cooperation with Member States*, keep the system up-to-date. To this end, the Authority should ensure that at all times

*Amendment*

(35) The Authority should manage, host, and maintain FIU.net, the dedicated IT system allowing FIUs to cooperate and exchange information amongst each other and, where appropriate, with their counterparts from third countries and third parties. The Authority should keep the system up-to-date, *taking into account the needs expressed by the FIUs*. To this end, the Authority should ensure that at all

the most advanced available state-of-the-art technology is used for the development of the FIU.net, ***subject to a cost-benefit analysis.***

times the most advanced available state-of-the-art technology is used for the development of the FIU.net.

Or. en

## **Amendment 37**

### **Proposal for a regulation Recital 36 a (new)**

*Text proposed by the Commission*

*Amendment*

***(36a) In order to improve FIU's practices, the Authority should carry out peer reviews and publish reports setting out its findings. Those reports could be accompanied by guidelines or recommendations addressed to the relevant FIUs. FIUs should be able to participate in peer reviews on a case-by-case basis. The Authority should lay down detailed rules on the confidentiality of its exchanges with FIUs and other relevant actors in the context of peer reviews, including of its results.***

Or. en

## **Amendment 38**

### **Proposal for a regulation Recital 41**

*Text proposed by the Commission*

*Amendment*

(41) The Chair of the Authority should chair the General Board meetings and have a right to vote when decisions are taken by simple majority. The Commission should be a non-voting member on the General Board. To establish good cooperation with other relevant institutions, the General Board should also be able to admit other

(41) The Chair of the Authority should chair the General Board meetings and have a right to vote when decisions are taken by simple majority. The Commission should be a non-voting member on the General Board. To establish good cooperation with other relevant institutions, the General Board should also be able to admit other

non-voting observers, such as a representative of the Single Supervisory Mechanism and of each of the three European Supervisory Authorities (EBA, EIOPA and ESMA) for the General Board in its Supervisory Composition and ***Europol***, the EPPO and Eurojust for the General Board in its FIU composition, where matters that fall under their respective mandates are discussed or decided upon. To allow a smooth decision making process, decisions of the General Board should be taken by a simple majority, except for decisions concerning draft regulatory and implementing technical standards, guidelines and recommendations which should be taken by a qualified majority of Member State representatives in accordance with voting rules of the TFEU.

non-voting observers, such as a representative of the Single Supervisory Mechanism and of each of the three European Supervisory Authorities (EBA, EIOPA and ESMA) for the General Board in its Supervisory Composition and the EPPO and Eurojust for the General Board in its FIU composition, where matters that fall under their respective mandates are discussed or decided upon. To allow a smooth decision making process, decisions of the General Board should be taken by a simple majority, except for decisions concerning draft regulatory and implementing technical standards, guidelines and recommendations which should be taken by a qualified majority of Member State representatives in accordance with voting rules of the TFEU. ***The General Board in FIU composition should have a Europol representative as a permanent member without the right to vote.***

Or. en

## Amendment 39

### Proposal for a regulation

#### Recital 42

##### *Text proposed by the Commission*

(42) The governing body of the Authority should be the Executive Board composed of the Chair of the Authority and of five full time members, appointed by the ***General Board*** based on the shortlist by the Commission. With the aim of ensuring a speedy and efficient decision making process, the Executive Board should be in charge of planning and execution of all the tasks of the Authority except where specific decisions are explicitly allocated to the General Board. In order to ensure objectivity and appropriate rapidity of the decision-making process in the area of

##### *Amendment*

(42) The governing body of the Authority should be the Executive Board composed of the Chair of the Authority and of five full time members, appointed by the ***European Parliament and the Council*** based on the shortlist ***of qualified candidates drawn up*** by the Commission. With the aim of ensuring a speedy and efficient decision making process, the Executive Board should be in charge of planning and execution of all the tasks of the Authority except where specific decisions are explicitly allocated to the General Board. In order to ensure

direct supervision of the selected obliged entities, the Executive Board should take all binding decisions addressed to selected obliged entities. In addition, together with a representative of the Commission the Executive Board should be collectively responsible for the administrative and budgetary decisions of the Authority. The consent of the Commission should be required when the Executive Board is taking decisions related to the budget administration, procurement, recruitment, and audit of the Authority, given that a portion of funding of the Authority will be provided from Union budget.

objectivity and appropriate rapidity of the decision-making process in the area of direct supervision of the selected obliged entities, the Executive Board should take all binding decisions addressed to selected obliged entities. In addition, together with a representative of the Commission, the Executive Board should be collectively responsible for the administrative and budgetary decisions of the Authority. The consent of the Commission should be required when the Executive Board is taking decisions related to the budget administration, procurement, recruitment, and audit of the Authority, given that a portion of funding of the Authority will be provided from Union budget.

Or. en

#### **Amendment 40**

#### **Proposal for a regulation**

#### **Recital 43**

##### *Text proposed by the Commission*

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

##### *Amendment*

(43) To allow for swift decisions, all decisions of the Executive Board, including the decision where the Commission has a right to vote, should be taken by simple majority, with the Chair holding a casting vote in case of a tied vote. To ensure sound financial management of the Authority, the Commission's consent should be required for decisions related to budget, administration and recruitment.

Or. en

## Amendment 41

### Proposal for a regulation Recital 46

*Text proposed by the Commission*

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

*Amendment*

(46) The Executive Director of the Authority should be appointed based on **objective criteria by the Council after approval by the European Parliament**. The Executive Director of the Authority should be a senior administrative official of the Authority, in charge of the day-to-day management of the Authority, and responsible for budget administration, procurement, and recruitment and staffing.

Or. en

## Amendment 42

### Proposal for a regulation Recital 47

*Text proposed by the Commission*

(47) To protect effectively the rights of parties concerned, for reasons of procedural economy and to reduce the burden on the Court of Justice of the European Union, the Authority should provide natural and legal persons with the possibility to request **a review** of decisions taken under the powers related to direct supervision and conferred on the Authority by this Regulation and addressed to them, or which are of direct and individual concern to them. The independence and objectivity of the decisions taken by the Administrative Board of **Review** should be, among others, ensured by its composition of five independent and suitably qualified persons. Decisions of the Administrative Board of **Review** should be in turn appealable before the Court of Justice of the European Union.

*Amendment*

(47) To protect effectively the rights of parties concerned, for reasons of procedural economy and to reduce the burden on the Court of Justice of the European Union, the Authority should provide natural and legal persons with the possibility to request **an appeal** of decisions taken under the powers related to direct supervision and conferred on the Authority by this Regulation and addressed to them, or which are of direct and individual concern to them. The independence and objectivity of the decisions taken by the Administrative Board of **Appeal** should be, among others, ensured by its composition of five independent and suitably qualified persons. Decisions of the Administrative Board of **Appeal** should be in turn appealable before the Court of Justice of the European Union.

**Amendment 43****Proposal for a regulation****Recital 48***Text proposed by the Commission*

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

*Amendment*

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

**Amendment 44****Proposal for a regulation****Recital 58***Text proposed by the Commission*

(58) Without prejudice to the obligations of the Member States and their authorities, the processing of personal data on the basis of this Regulation for the purposes of the prevention of money laundering and terrorist financing should be considered necessary for the performance of a task

*Amendment*

(58) Without prejudice to the obligations of the Member States and their authorities, the processing of personal data on the basis of this Regulation for the purposes of the prevention of money laundering and terrorist financing should be considered necessary for the performance of a task



carried out in the public interest or in the exercise of official authority vested in the Authority under Article 5 of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>41</sup> and Article 6 of Regulation 2016/679 of the European Parliament and of the Council<sup>42</sup>. When developing any instruments or taking any decisions that may have a significant impact on the protection of personal data, the Authority should closely cooperate, where relevant, with the European Data Protection Board established by Regulation (EU) 2016/679 and with the European Data Protection Supervisor established by Regulation (EU) 2018/1725 to avoid duplication.

---

<sup>41</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

<sup>42</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

carried out in the public interest or in the exercise of official authority vested in the Authority under Article 5(1)(a) of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>41</sup> and Article 6(1)(b) of Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>42</sup>, ***or when necessary for complying with a legal obligation to which the controller is subject pursuant to Article 5(1)(b) of Regulation (EU) 2018/1725 or Article 6(1)(c) of Regulation (EU) 2016/679.*** When developing any instruments or taking any decisions that may have a significant impact on the protection of personal data, the Authority should closely cooperate, where relevant, with the European Data Protection Board established by Regulation (EU) 2016/679 and with the European Data Protection Supervisor established by Regulation (EU) 2018/1725 to avoid duplication.

---

<sup>41</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

<sup>42</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Or. en

## Amendment 45

### Proposal for a regulation Recital 60 a (new)

*Text proposed by the Commission*

*Amendment*

***(60a) The Authority should be able to set up cooperation arrangements with FIUs, selected obliged entities as well as other obliged entities in the financial and non-financial sector. Those cooperation arrangements should also be able to provide for the participation of supervisory authorities, FIUs, Europol and data protection authorities at national and Union level.***

Or. en

## Amendment 46

### Proposal for a regulation Recital 62 a (new)

*Text proposed by the Commission*

*Amendment*

***(62a) It is essential that the Union joins global efforts in fighting money laundering and terrorist financing, notably the work carried out by international organisations active in the field of AML/CFT such as the Financial Action Task Force (FATF). The Commission endorsed, on behalf of the Union, the Ministerial Declaration of the FATF, as well as the revised FATF Mandate at the 12 April 2019 FATF Ministerial Meeting. As a member of FATF, the Commission should ensure a united, common, consistent and effective representation of the Union's interests in FATF. Given its tasks and powers in the field of AML/CFT, the Authority should contribute to the representation of the Union and defence of its interests in international fora, including by assisting***

*the Commission in its tasks relating to the Union membership of the FATF and by supporting the work and objectives of the Egmont Group of FIUs and of MONEYVAL, among others.*

Or. en

#### **Amendment 47**

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

*Text proposed by the Commission*

*Amendment*

*(5a) ‘highest level of consolidation in the Union’ means the highest level of consolidation within the Union, covering all subsidiaries and branches within a group, whether established in a Member State or in a third country, as determined in accordance with Part One, Title II, Chapter 2, Section 1 of Regulation (EU) No 575/2013 of the European Parliament and of the Council<sup>1a</sup>.*

---

<sup>1a</sup> *Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p.1)*

Or. en

#### **Amendment 48**

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

*Text proposed by the Commission*

*Amendment*

*The choice of the location of the seat of*

*the Authority shall comply with the following conditions:*

*(a) it shall not affect the Authority's execution of its tasks and powers, the organisation of its governance structure, the operation of its main organisation, or the main financing of its activities;*

*(b) it shall ensure that the Authority is able to recruit the high-qualified and specialised staff it requires to perform the tasks and exercise the powers provided by this Regulation;*

*(c) it shall ensure that it can be set up on site upon the entry into force of this Regulation;*

*(d) it shall ensure appropriate accessibility of the location, the existence of adequate education facilities for the children of staff members, appropriate access to the labour market, social security and medical care for both children and spouses.*

Or. en

## **Amendment 49**

### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

*(ga) provide publications, training and other services to obliged entities or non-obliged entities in order to raise awareness and address money laundering, terrorist financing and targeted financial sanctions related risks.*

Or. en

## Amendment 50

### Proposal for a regulation

#### Article 5 – paragraph 5 – point a a (new)

*Text proposed by the Commission*

*Amendment*

**(aa) define methods and criteria for the selection and prioritisation of relevant cases for the conduct of joint analysis.**

Or. en

## Amendment 51

### Proposal for a regulation

#### Article 6 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4a. When exercising the powers provided for in paragraph 4, and in accordance with Article 24 of Council Regulation (EU) 2017/1939, the Authority shall without undue delay inform the EPPO of any criminal conduct in respect of which it is permitted to exercise its competence in accordance with Article 22 and Article 25(2) and (3) of that Regulation. Pursuant to Article 8 of Regulation 883/2013<sup>1a</sup>, the Authority shall transmit to OLAF without delay any information relating to possible cases of fraud, corruption or any other illegal activity affecting the financial interests of the Union.**

---

<sup>1a</sup> **Regulation (EU, EURATOM) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1073/1999 (OJ**

## **Amendment 52**

### **Proposal for a regulation Article 7 – paragraph 2**

#### *Text proposed by the Commission*

2. The Authority and supervisory authorities shall be subject to a duty of cooperation in good faith, and to an obligation to exchange information.

#### *Amendment*

2. The Authority and supervisory authorities shall be subject to a duty of cooperation in good faith, and to an obligation to exchange information ***for the purposes of preventing money laundering and the financing of terrorism in accordance with this Regulation and applicable Union law.***

## **Amendment 53**

### **Proposal for a regulation Article 8 – paragraph 1**

#### *Text proposed by the Commission*

1. The Authority shall develop and maintain an up-to-date and harmonised ***AML*** supervisory methodology detailing the risk-based approach to supervision of obliged entities in the Union. The methodology shall comprise guidelines, recommendations and other measures and instruments as appropriate, including in particular draft regulatory and implementing technical standards, on the basis of the empowerments laid down in the acts referred to in Article 1(2).

#### *Amendment*

1. The Authority shall develop and maintain an up-to-date and harmonised ***AML/CFT*** supervisory methodology detailing the risk-based approach to supervision of obliged entities in the Union. The methodology shall comprise guidelines, recommendations and other measures and instruments as appropriate, including in particular draft regulatory and implementing technical standards, on the basis of the empowerments laid down in the acts referred to in Article 1(2).

## Amendment 54

### Proposal for a regulation

#### Article 8 – paragraph 2 – introductory part

*Text proposed by the Commission*

2. When developing the supervisory methodology the Authority shall make a distinction between obliged entities based on ***the sectors in which they operate***. The supervisory methodology shall contain at least the following elements:

*Amendment*

2. When developing the supervisory methodology the Authority shall make a distinction between obliged entities based on ***their type and the nature of the money laundering and terrorism financing risks to which they are exposed***. The supervisory methodology shall contain at least the following elements:

Or. en

## Amendment 55

### Proposal for a regulation

#### Article 8 – paragraph 2 – point b

*Text proposed by the Commission*

(b) approaches to supervisory review of money laundering risk self-assessments of obliged entities;

*Amendment*

(b) approaches to supervisory review of money laundering ***and the financing of terrorism*** risk self-assessments of obliged entities;

Or. en

## Amendment 56

### Proposal for a regulation

#### Article 8 – paragraph 2 – point c

*Text proposed by the Commission*

(c) approaches to supervisory review of obliged entities' internal policies and procedures of obliged entities, including customer due diligence policies;

*Amendment*

(c) approaches to supervisory review of obliged entities' internal policies and procedures of obliged entities, including customer due diligence policies ***and procedures, in line with a risk-based approach to the prevention of money***

*laundering and the financing of terrorism;*

Or. en

## **Amendment 57**

### **Proposal for a regulation**

#### **Article 8 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) approaches to supervisory evaluation of risk factors inherent in, or related to, customers, business relationships, transactions and delivery channels of obliged entities, as well as geographical risk factors.

*Amendment*

(d) approaches to supervisory evaluation of risk factors inherent in, or related to, customers, business relationships, transactions and delivery channels of obliged entities, as well as geographical risk factors;

Or. en

## **Amendment 58**

### **Proposal for a regulation**

#### **Article 8 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) the use and type of information contained in the common regulatory templates for financial obliged entities and crypto asset service providers. The templates should be based on objective and comparable AML data focused on key indicators of activity for AML/CFT purposes, due diligence, internal controls, and reporting obligations.***

Or. en



## Amendment 59

### Proposal for a regulation Article 8 – paragraph 3

*Text proposed by the Commission*

3. The methodology shall reflect high supervisory standards at Union level and shall build on relevant international standards and guidance. The Authority shall periodically review and update its supervisory methodology, taking into account the evolution of risks affecting the internal market.

*Amendment*

3. The methodology shall reflect high supervisory standards at Union level and shall build on relevant international standards and guidance. The Authority shall periodically review and update its supervisory methodology, taking into account the evolution of risks affecting the internal market ***and, to the extent possible, best practices and guidance developed by international standard setters.***

Or. en

## Amendment 60

### Proposal for a regulation Article 10 – paragraph 3

*Text proposed by the Commission*

3. Each supervisory authority may submit a request for mutual assistance related to its supervisory tasks to the Authority, specifying the type of assistance that can be provided by the staff of the Authority, the staff of one or more supervisory authorities, or a combination thereof. If the request concerns activities that relate to the supervision of specific obliged entities, the requesting supervisory authority shall ***ensure that access to*** any information and data necessary for the provision of assistance ***may be granted.*** The Authority shall keep and regularly update the information on specific areas of expertise and on the capacities of supervisory authorities to provide mutual assistance.

*Amendment*

3. Each supervisory authority may submit a request for mutual assistance related to its supervisory tasks to the Authority, specifying the type of assistance that can be provided by the staff of the Authority, the staff of one or more supervisory authorities, or a combination thereof. If the request concerns activities that relate to the supervision of specific obliged entities, the requesting supervisory authority shall ***transmit to the Authority*** any information and data necessary for the provision of assistance ***in accordance with this Regulation and applicable Union law.*** The Authority shall keep and regularly update the information on specific areas of expertise and on the capacities of supervisory authorities to provide mutual assistance.

**Amendment 61**

**Proposal for a regulation**

**Article 11 – paragraph 2 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

***(ha) information from competent authorities relating to weaknesses identified during supervision and authorisation procedures in the processes and procedures, governance arrangements, fitness and propriety, acquisition of qualifying holdings, business models and activities of financial sector operators in preventing and countering money laundering and terrorist financing as well as measures taken by competent authorities, in response to the following material weaknesses affecting one or more requirements of the legislative acts referred to in Article 1(2) of this Regulation, Article 1(2) of Regulation (EU) No 1094/2010 and Article 1(2) of Regulation (EU) No 1095/2010 and of any national laws transposing them, respectively, with regard to the prevention and countering the use of the financial system for the purpose of money laundering or of terrorist financing:***

***(a) a breach or a potential breach by a financial sector operator of such requirements,***

***(b) the inappropriate or ineffective application by a financial sector operator of such requirements, or***

***(c) the inappropriate or ineffective application by a financial sector operator of its internal policies and procedures to comply with such requirements.***

## Amendment 62

### Proposal for a regulation Article 11 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. Personal data collected in accordance with paragraphs 2 and 3 shall be deleted after five years. A further retention period of five years may be afforded by the Authority after a thorough assessment of the necessity and proportionality of such a further period has been carried out and it is considered to be justified as necessary for the prevention, detection or investigation of money laundering or terrorist financing in accordance with this Regulation and applicable Union law.***

Or. en

## Amendment 63

### Proposal for a regulation Article 11 a (new)

*Text proposed by the Commission*

*Amendment*

#### ***Article 11a***

#### ***Information requests directly to obliged entities***

- 1. The supervisory authorities shall provide the Authority with all necessary information regarding selected and non-selected obliged entities in order for the Authority to carry out its duties, provided that the supervisory authorities have legal access to the relevant information.***
- 2. Where information is not available or is not made available under paragraph 1 in a timely manner, the Authority may address a request directly to the relevant***

*obliged entities or associations of obliged entities. The request shall be duly justified, include the legal basis of the request, specify the information required and fix a reasonable time limit within which the information is to be provided. The national authority shall receive a copy of the request.*

*The addressees of such a request shall provide the Authority, within the time limit specified in the request, with clear, accurate and complete information, provided they have legal access to the relevant information. Upon a duly justified request to the Authority, the addressees may ask for a single extension of the deadline.*

*The request shall be sent in accordance with the language arrangements established, mutatis mutandis, in Article 27.*

*3. Information that may be requested by the Authority may include the following:*

*(a) aggregate data on operations and related money laundering and terrorist financing risks;*

*(b) aggregate data on risk factors relating to customers, products, services, transactions, delivery channels and geographical areas;*

*(c) aggregate data on internal control systems and other relevant factors related to residual risks.*

*4. The Authority may use confidential information received pursuant to this Article only for the purposes of carrying out the duties assigned to it under this Regulation and applicable Union law.*

*5. The Authority shall develop draft regulatory technical standards setting out the modalities with regard to information requests addressed to obliged entities as provided in paragraph 1.*

*The Authority shall submit the draft regulatory technical standards to the Commission by [1 January 2025].*

*The Commission is empowered to adopt the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Article 38.*

Or. en

## **Amendment 64**

### **Proposal for a regulation Article 11 b (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 11b**

#### **Information sharing with FIUs and Europol**

*Where, in the course of its supervisory activities carried out on the obliged entities by the Authority under Section 3, 4 and 5 of this Chapter, or otherwise, the Authority discovers facts that could be related to money laundering, to a predicate offence or to terrorist financing, it shall ensure that the information is made promptly available to the competent FIUs. In the case of facts having a cross-border relevance, the information, if it has elements of the offence of money laundering as set out in Article 3 of the Directive (EU) 2018/1673 of the European Parliament and of the Council<sup>1a</sup>, shall also be promptly communicated to Europol.*

---

<sup>1a</sup> *Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law (OJ L 284, 12.11.2018, p.22)*

## Amendment 65

### Proposal for a regulation

#### Article 12 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. For the purposes of carrying out the tasks listed in Article 5(2), the Authority shall carry out a periodic assessment ***of the following obliged entities***, based on criteria and following the process specified in paragraphs 2 to 6 of this Article and in Article 13:

*Amendment*

1. For the purposes of carrying out the tasks listed in Article 5(2), the Authority shall carry out a periodic assessment, based on criteria and following the process specified in paragraphs 2 to 6 of this Article and in Article 13 ***on credit institutions, financial institutions and crypto-asset service providers referred to in paragraph 4 where they operate via establishments referred to in Article 2 (8) of [proposal for 6th Anti-Money Laundering Directive - COM/2021/423 final] or as a result of the freedom to provide services in at least four Member States, including the Member State of establishment.***

Or. en

## Amendment 66

### Proposal for a regulation

#### Article 12 – paragraph 1 – point a

*Text proposed by the Commission*

***(a) credit institutions that are established in at least seven Member States, including the Member State of establishment and the Member States where they are operating via subsidiaries or branches;***

*Amendment*

***deleted***

Or. en

## Amendment 67

### Proposal for a regulation Article 12 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

**(b) other financial institutions that operate in at least ten Member States, including the Member State of establishment, another Member State where they are operating via a subsidiary or a branch, and all other Member States where they are operating by means of direct provision of services or via a network of representative agents.**

**deleted**

Or. en

## Amendment 68

### Proposal for a regulation Article 12 – paragraph 1 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***The Authority shall receive all necessary information from supervisory authorities, and obliged entities pursuant to Article 11a, in order to carry out the periodic assessment of individual obliged entities.***

Or. en

## Amendment 69

### Proposal for a regulation Article 12 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The inherent risk profile of the assessed obliged entities referred to in paragraph 1, **point (a) or (b)** shall be classified as low, medium, substantial or

2. The inherent risk profile of the assessed obliged entities referred to in paragraph 1 shall be classified as low, medium, substantial or high in each

high in each jurisdiction they operate in, based on the benchmarks and following the methodology set out in the regulatory technical standard referred to in paragraph 5.

jurisdiction they operate in, based on the benchmarks and following the methodology set out in the regulatory technical standard referred to in paragraph 5.

Or. en

## **Amendment 70**

### **Proposal for a regulation**

#### **Article 12 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***As of the second selection process referred to in Article 13, the Authority shall establish benchmarks to assess residual risks in an objective manner. As of the second selection process, the residual risk profile of the assessed obliged entities referred to in paragraph 1 shall be classified as low, medium, substantial or high in each jurisdiction they operate in, based on the benchmarks and following the methodology set out in the regulatory technical standard referred to in paragraph 5 of this Article.***

Or. en

## **Amendment 71**

### **Proposal for a regulation**

#### **Article 12 – paragraph 3 – introductory part**

*Text proposed by the Commission*

*Amendment*

3. The methodology for classifying the ***inherent*** risk profile shall be established separately for at least the following categories of obliged entities:

3. The methodology for classifying the risk profile shall be established separately for at least the following categories of obliged entities:

Or. en



## Amendment 72

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

*Text proposed by the Commission*

*Amendment*

**(ja)** *crypto-asset service providers.*

Or. en

## Amendment 73

### Proposal for a regulation Article 12 – paragraph 4 – introductory part

*Text proposed by the Commission*

*Amendment*

4. For each category of obliged entities referred to in paragraph 4, the benchmarks in the assessment methodology shall be based on the risk factor categories related to customer, products, services, transactions, delivery channels and geographical areas. The benchmarks shall be established for at least the following indicators of ***inherent*** risk in any Member State they operate in:

4. For each category of obliged entities referred to in paragraph 3, the benchmarks in the assessment methodology shall be based on the risk factor categories related to customer, products, services, transactions, delivery channels and geographical areas. The benchmarks shall be established for at least the following indicators of risk in any Member State they operate in:

Or. en

## Amendment 74

### Proposal for a regulation Article 12 – paragraph 4 – point a

*Text proposed by the Commission*

*Amendment*

(a) with respect to customer-related risk: the share of non-resident customers, the presence and share of customers identified as Politically Exposed persons ('PEPs');

(a) with respect to customer-related risk: the share of non-resident customers, the presence and share of customers identified as Politically Exposed persons ('PEPs') ***and the presence and share of customers located in offshore***

*jurisdictions;*

Or. en

## **Amendment 75**

### **Proposal for a regulation**

#### **Article 12 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. The Authority shall develop draft regulatory technical standards setting out the methodology with the benchmarks referred to in paragraph 4 for classifying the residual risk profile of the assessed obliged entities referred to in paragraph 1 in each Member State they operate in as low, medium, substantial or high.**

**The Authority shall submit the draft regulatory technical standards to the Commission by [1 January 2028].**

**The Commission is empowered to adopt the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Article 38.**

Or. en

## **Amendment 76**

### **Proposal for a regulation**

#### **Article 13 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. **The following** obliged entities shall qualify as a selected obliged entity:

1. **For the first selection process, the 40 obliged entities assessed pursuant to Article 12 that have their highest inherent risk profile in at least two Member States shall qualify as a selected obliged entity. For the second selection process, the 45 obliged entities assessed pursuant to**

*Article 12 that have their highest residual risk profile in at least two Member States shall qualify as a selected obliged entity.*

Or. en

#### **Amendment 77**

##### **Proposal for a regulation**

##### **Article 13 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### **Amendment 78**

##### **Proposal for a regulation**

##### **Article 13 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) each financial institution assessed pursuant to Article 12 that has a high inherent risk in at least one Member States where it is established or operates via a subsidiary or a branch, and at least five other Member States where it operates via direct provision of services or via a network of representative agents.* **deleted**

Or. en

## Amendment 79

### Proposal for a regulation Article 14 – paragraph 1

*Text proposed by the Commission*

1. Without prejudice to the Authority's power pursuant to Article 20(2), point (g), to receive directly, or have direct access to, information reported, on an ongoing basis, by selected obliged entities, financial supervisors shall provide the Authority with all information necessary for carrying out the tasks conferred on the Authority.

*Amendment*

1. Without prejudice to the Authority's power pursuant to Article 20(2), point (g), to receive directly, or have direct access to, information reported, on an ongoing basis, by selected obliged entities, financial supervisors shall provide the Authority with all information necessary for carrying out the tasks conferred on the Authority ***in accordance with this Regulation and applicable Union law.***

Or. en

## Amendment 80

### Proposal for a regulation Article 15 – paragraph 2

*Text proposed by the Commission*

2. The JST coordinator shall ensure the coordination of the work within the joint supervisory team. Joint supervisory team members shall follow the JST coordinator's instructions as regards their tasks in the joint supervisory team. This shall ***not affect*** their tasks and duties within their respective financial supervisors. ***The JST coordinator shall be delegated from the Authority to the financial supervisor in the Member State where a selected obliged entity has its headquarters, upon agreement of the relevant financial supervisors. The duration of the delegation shall be limited to the time period during which the Authority carries out supervisory tasks with respect to the selected obliged entity.***

*Amendment*

2. The JST coordinator shall ensure the coordination of the work within the joint supervisory team. Joint supervisory team members shall follow the JST coordinator's instructions as regards their tasks in the joint supervisory team. This shall ***be without prejudice to*** their tasks and duties within their respective financial supervisors.

## Amendment 81

### Proposal for a regulation Article 15 – paragraph 4

#### *Text proposed by the Commission*

4. The Authority shall be responsible for the establishment and the composition of joint supervisory teams. The respective financial supervisors shall appoint one or more persons from their staff as a member or members of a joint supervisory team. A financial supervisor staff member may be appointed as a member of more than one joint supervisory team.

#### *Amendment*

4. The Authority shall be responsible for the establishment and the composition of joint supervisory teams. ***The Authority and*** the respective financial supervisors shall appoint one or more persons from their staff as a member or members of a joint supervisory team. A financial supervisor staff member may be appointed as a member of more than one joint supervisory team.

## Amendment 82

### Proposal for a regulation Article 15 – paragraph 5 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***5a. The Authority shall develop draft regulatory technical standards setting out the composition of joint supervisory teams, notably with regard to staff from each financial supervisor in a home/host context, the status of the staff from national supervisors, the allocation of human resources by the Authority to take part in joint supervisory teams, and necessary operational and procedural rules.***

***The Authority shall submit the draft regulatory technical standards to the Commission by [1 January 2028].***

***The Commission is empowered to adopt the regulatory technical standards***

*referred to in the first subparagraph of this paragraph in accordance with Article 38.*

Or. en

## **Amendment 83**

### **Proposal for a regulation Article 16 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## **Amendment 84**

### **Proposal for a regulation Article 16 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The addressees of a request made pursuant to paragraph 1 shall provide the Authority without undue delay with clear, accurate and complete information.***

Or. en

## Amendment 85

### Proposal for a regulation

#### Article 20 – paragraph 1 – point c

*Text proposed by the Commission*

(c) the arrangements, strategies, processes and mechanisms implemented by the selected obliged entity do not ensure, based on a determination by the Authority, a sound management and coverage of its risks.

*Amendment*

(c) the arrangements, strategies, processes and mechanisms implemented by the selected obliged entity do not ensure, based on a determination by the Authority, a sound management and coverage of its **ML/TF** risks.

Or. en

## Amendment 86

### Proposal for a regulation

#### Article 20 – paragraph 2 – point a a (new)

*Text proposed by the Commission*

*Amendment*

**(aa) to issue recommendations;**

Or. en

## Amendment 87

### Proposal for a regulation

#### Article 20 – paragraph 2 – point b

*Text proposed by the Commission*

(b) to require a plan to restore compliance with supervisory requirements pursuant to Union acts and national legislation referred to in Article 1(2) and to set a deadline for its implementation, including improvements to that plan regarding its scope and deadline;

*Amendment*

(b) to require a plan to restore **and ensure** compliance with supervisory requirements pursuant to Union acts and national legislation referred to in Article 1(2) and to set a deadline for its implementation, including improvements to that plan regarding its scope and deadline;

Or. en

## Amendment 88

### Proposal for a regulation Article 20 – paragraph 2 – point h a (new)

*Text proposed by the Commission*

*Amendment*

***(ha) to order the natural or legal person to cease the conduct and to refrain from repeating that conduct;***

Or. en

## Amendment 89

### Proposal for a regulation Article 20 – paragraph 2 – point i

*Text proposed by the Commission*

*Amendment*

(i) to propose the withdrawal of ***licence*** of a selected obliged entity to the authority that has granted such license.

***(i) where a selected entity is subject to authorisation, to propose the suspension or the withdrawal of authorisation of a selected obliged entity to the authority that has granted such license or to withdraw the authorisation where it has been granted. The authority that has granted such authorisation shall make every effort to comply with the suspension or the withdrawal proposed by the Authority. In the event that an authority does not comply or does not intend to comply, it shall inform the Authority, stating its reasons;***

Or. en

## Amendment 90

### Proposal for a regulation Article 20 – paragraph 2 – point i a (new)



*Text proposed by the Commission*

*Amendment*

***(ia) impose a temporary ban on any person performing managerial duties in a selected obliged entity, or any other natural person, held responsible for the breach, from performing managerial duties in the selected obliged entities.***

Or. en

## **Amendment 91**

### **Proposal for a regulation**

#### **Article 20 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The administrative measures referred to in paragraph 1 shall be accompanied by a binding deadline for their effective implementation. The Authority shall follow up and assess the effective implementation by the selected obliged entity of the actions requested.***

Or. en

## **Amendment 92**

### **Proposal for a regulation**

#### **Article 22 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 22a***

#### ***Methodology for assessing breaches, imposing sanctions and other administrative measures***

***1. When determining the type and level of administrative sanctions or measures, the Authority shall take into account all relevant circumstances,***

*including where applicable:*

*(a) the gravity and the duration of the breach;*

*(b) the degree of responsibility of the natural or legal person held responsible;*

*(c) the financial strength of the natural or legal person held responsible, including in light of its total turnover or annual income;*

*(d) the benefit derived from the breach by the natural or legal person held responsible, insofar as it can be determined;*

*(e) the losses to third parties caused by the breach, insofar as they can be determined;*

*(f) the level of cooperation of the natural or legal person held responsible with the competent authority;*

*(g) previous breaches by the natural or legal person held responsible.*

*2. By ... [2 years after the date of entry into force of this Regulation], the Authority 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 breaches and criteria to be taken into account when setting the level of administrative sanctions or taking administrative measures pursuant to this Section.*

*3. The Commission is empowered to supplement this Regulation by adopting the regulatory technical standards referred to in paragraph 2 of this Article in accordance with Articles 38 to 41.*

Or. en

## Amendment 93

### Proposal for a regulation Article 23 – paragraph 2

*Text proposed by the Commission*

2. The rights of defence of the persons subject to the proceedings shall be fully respected during the proceedings. They shall be entitled to have access to the Authority's file, subject to the legitimate interest of other persons in the protection of their business secrets. The right of access to the file shall not extend to confidential information or internal preparatory documents of the Authority.

*Amendment*

2. The rights of defence of the persons subject to the proceedings shall be fully respected during the proceedings, ***including the right to legal advice.*** They shall be entitled to have access to the Authority's file, subject to the legitimate interest of other persons in the protection of their business secrets. The right of access to the file shall not extend to confidential information or internal preparatory documents of the Authority.

Or. en

## Amendment 94

### Proposal for a regulation Article 24 – paragraph 1

*Text proposed by the Commission*

1. The Authority shall disclose to the public every administrative pecuniary sanction and periodic penalty payment that has been imposed on a selected obliged entity pursuant to Articles 21 and 22, ***unless such disclosure to the public would cause disproportionate damage to the parties involved.***

*Amendment*

1. The Authority shall disclose to the public every administrative pecuniary sanction and periodic penalty payment that has been imposed on a selected obliged entity pursuant to Articles 21 and 22, ***after the person sanctioned is informed of that decision and all administrative internal and judicial review procedures have been exhausted. The publication shall include at least information on the type and nature of the breach and the identity of the persons responsible.***

Or. en

## Amendment 95

### Proposal for a regulation

#### Article 24 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. The disclosed information shall at least be available on the website of the Authority and include at least information on the type and nature of the breach and the identity of the persons responsible.***

Or. en

## Amendment 96

### Proposal for a regulation

#### Article 25 – paragraph 8

*Text proposed by the Commission*

*Amendment*

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

8. The Authority shall refer matters for criminal prosecution to the relevant national authorities where, in carrying out its duties under this Regulation, it finds that there are serious indications of the possible existence of facts liable to constitute criminal offences. ***In such event, the information communicated to the relevant national authorities shall also be transmitted to Europol when two or more Member States are involved in the facts liable to constitute criminal offences. The Authority shall also transmit evidence to the European Public Prosecutor's Office where such evidence concerns offences in respect of which the European Public Prosecutor's Office exercises or is permitted to exercise competence in accordance with Council Regulation (EU) 2017/1939.*** In addition, the Authority shall refrain from imposing administrative pecuniary sanctions or periodic penalty payments where a prior acquittal or conviction arising from identical facts, or from facts which are substantially the

same, has acquired the force of res judicata as the result of criminal proceedings under national law.

Or. en

## Amendment 97

### Proposal for a regulation Article 28 – paragraph 1

#### *Text proposed by the Commission*

1. The Authority shall perform periodic assessments of some or all of the activities of one, several, or all financial supervisors, ***including the assessment of their tools and resources*** to ensure ***high level supervisory standards and practices***. The assessments shall include a review of the application of the AML/CFT supervisory methodology developed pursuant to Article 8 ***and shall cover all financial supervisors in a single assessment cycle***. The length of each assessment cycle shall be determined by the Authority ***and shall not exceed seven years***.

#### *Amendment*

1. The Authority shall perform periodic assessments of some or all of the activities of one, several, or all financial supervisors. ***As part of each assessment, the Authority shall assess the extent to which a financial supervisor monitors effectively, and takes the necessary steps*** to ensure, ***compliance by the obliged entities it supervises with applicable Union law***. The assessments shall include a review of the application of the AML/CFT supervisory methodology developed pursuant to Article 8. The length of each assessment cycle shall be determined by the Authority.

Or. en

## Amendment 98

### Proposal for a regulation Article 28 – paragraph 2

#### *Text proposed by the Commission*

2. The assessments shall be carried out by the staff of the Authority with voluntary involvement of the staff of financial supervisors that are not subject to review, upon agreement on such involvement by the Executive Board. ***The assessments shall take due account of all***

#### *Amendment*

2. The assessments shall be carried out by the staff of the Authority with voluntary involvement of the staff of financial supervisors that are not subject to review, upon agreement on such involvement by the Executive Board.

*the relevant evaluations, assessments or reports drawn up by international organisations and intergovernmental bodies with competence in the field of preventing money laundering and terrorist financing.*

Or. en

## Amendment 99

### Proposal for a regulation Article 28 – paragraph 3

#### *Text proposed by the Commission*

3. The Authority shall produce a report setting out the results of each assessment. ***That report shall be prepared by the staff of the Authority, or by the staff of the Authority jointly with the staff of the financial supervisors where the staff of financial supervisors were involved in the review on an ad-hoc basis.*** The report shall be adopted by the Executive Board, ***taking into account the observations of the General Board in supervisory composition.*** The report shall explain and indicate any specific follow-up measures required to be taken by the financial supervisor or financial supervisors subject to the assessment that are deemed appropriate, proportionate and necessary as a result of the assessment. The follow-up measures may be adopted in the form of guidelines and recommendations pursuant to Article 43 including recommendations addressed to all or several financial supervisors or to any specific financial supervisor, as appropriate.

#### *Amendment*

3. The Authority shall produce a report setting out the results of each assessment. The report shall be adopted by the Executive Board ***and shared in a timely manner with the financial supervisor under review.*** The report shall explain and indicate any specific follow-up measures required to be taken by the financial supervisor or financial supervisors subject to the assessment that are deemed appropriate, proportionate and necessary as a result of the assessment. The follow-up measures may be adopted in the form of guidelines and recommendations pursuant to Article 43 including recommendations addressed to all or several financial supervisors or to any specific financial supervisor, as appropriate.

Or. en

## Amendment 100

### Proposal for a regulation Article 28 – paragraph 4

*Text proposed by the Commission*

4. Financial supervisors shall make every effort to comply with the specific follow-up measures addressed to them as a result of the assessment.

*Amendment*

4. Financial supervisors shall make every effort to comply with the specific follow-up measures addressed to them as a result of the assessment. ***Financial supervisors shall provide regular updates to the Authority on the type of measures they have implemented in response to the report.***

Or. en

## Amendment 101

### Proposal for a regulation Article 28 – paragraph 4 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***Where the financial supervisor does not implement the necessary follow up, the Authority shall take the necessary steps in accordance with Article 10. Where the Authority deems the follow up to be inadequate or insufficient, it shall issue recommendations in accordance with Article 43 addressed to the supervisory authority which was subject to the review or launch an investigation of an alleged breach or non-application of Union law by the reviewed financial supervisor in accordance, mutatis mutandis, with Article 32.***

Or. en

## Amendment 102

### Proposal for a regulation Article 29 – paragraph 1 – point a

*Text proposed by the Commission*

(a) **establish colleges, convene and organize the meetings of colleges, where such college has** not been established although the relevant conditions for its establishment set out in Article 36 [OP please insert the next number to the AMLD, COM(2021)423] are met;

*Amendment*

(a) **liaise with the relevant financial supervisors to ensure the establishment of the colleges which have** not been established although the relevant conditions for its establishment set out in Article 36 [OP please insert the next number to the AMLD, COM(2021)423] are met;

Or. en

## Amendment 103

### Proposal for a regulation Article 29 – paragraph 1 – point b

*Text proposed by the Commission*

(b) assist in the organisation of college meetings, where requested by the relevant financial supervisors;

*Amendment*

(b) assist in the organisation of college meetings, where requested by the relevant financial supervisors **or convene a college meeting at their own discretion where deemed necessary**;

Or. en

## Amendment 104

### Proposal for a regulation Article 29 – paragraph 1 – point d

*Text proposed by the Commission*

(d) **collect and share** all relevant information **in cooperation with** the financial supervisors in order to facilitate the work of the college and make such information accessible to the authorities in

*Amendment*

(d) **ensure that** all relevant information **is collected and shared by** the financial supervisors in order to facilitate the work of the college and make such information accessible to the **relevant** authorities in the



the college;

college;

Or. en

## Amendment 105

### Proposal for a regulation

#### Article 29 – paragraph 1 – point e

*Text proposed by the Commission*

(e) promote effective and efficient supervisory **activities**, including evaluating the risks to which obliged entities are or might be exposed;

*Amendment*

(e) promote effective and efficient supervisory **practices**, including evaluating the risks to which obliged entities are or might be exposed;

Or. en

## Amendment 106

### Proposal for a regulation

#### Article 29 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. AML supervisory colleges shall consist of permanent members and, where deemed necessary by the permanent members, observers. The Authority and financial supervisors shall be permanent members. Observers may include prudential supervisors, including the European Central Bank, the European Supervisory Authorities, where relevant, AML/CFT supervisors from third countries, and FIUs and any other authorities as deemed necessary by the permanent members.***

Or. en

## Amendment 107

### Proposal for a regulation Article 29 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a.** *The Authority shall have a role in legally binding mediation, in the resolution of disputes between competent authorities in accordance with the procedure set out in Article 30a. The Authority may take supervisory decisions that are directly applicable to the institution concerned in accordance with Article 30a.*

Or. en

## Amendment 108

### Proposal for a regulation Article 29 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 29a*

*Notification of possible material breaches*

**1.** *Financial supervisors shall notify the Authority where the situation of any non-selected obliged entity with regard to its compliance with applicable requirements and its exposure to money laundering and terrorism financing risks deteriorates rapidly and significantly, especially where such deterioration could lead to significant harm to several Member States or to the Union as a whole.*

**2.** *The Authority shall put in place effective and reliable mechanisms to encourage the reporting of potential and actual breaches of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420final] by obliged entities or*

*breaches of [please insert reference – proposal for 6th Anti-Money Laundering Directive -COM/2021/423 final] by competent supervisors.*

*For that purpose, the Authority shall provide secure communication channels for the reporting referred to in the first subparagraph. Such channels shall ensure that the identity of persons providing information is known only to the Authority.*

*The mechanisms referred to in the first subparagraph of this paragraph shall include at least:*

- (a) specific procedures for the receipt of reports on breaches and their follow-up;*
- (b) appropriate protection for employees or persons in a comparable position, of obliged entities who report breaches committed within the obliged entity;*
- (c) appropriate protection for the accused person;*
- (d) protection of personal data concerning both the person who reports the breaches and the natural person who is allegedly responsible for a breach, in compliance with the principles laid down in Regulation (EU)2016/679;*
- (e) clear rules that ensure that confidentiality is guaranteed in all cases in relation to the person who reports the breaches committed within the obliged entity, unless disclosure is required by national law in the context of further investigations or subsequent judicial proceedings.*

*Member States shall ensure that individuals, including employees and representatives of the obliged entity and financial supervisors, who report to the Authority actual or potential breaches of Regulation [please insert reference – proposal for Anti-Money Laundering*

*Regulation - COM/2021/420final] or breaches of [please insert reference – proposal for 6th Anti-Money Laundering Directive -COM/2021/423 final], are legally protected from being exposed to threats, retaliatory or hostile action, and in particular from adverse or discriminatory employment actions.*

*Member States shall ensure that individuals who are exposed to threats, hostile actions, or adverse or discriminatory employment actions for reporting to the Authority actual or potential breaches of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420final] or breaches to [please insert reference – proposal for 6th Anti-Money Laundering Directive - COM/2021/423 final], are entitled to present a complaint to the respective competent authorities in a safe manner. Without prejudice to the confidentiality of information gathered by the FIU, Member States shall also ensure that such individuals have the right to an effective remedy to safeguard their rights under this paragraph.*

*Member States shall ensure that effective, proportionate and dissuasive penalties apply in respect of reporting persons where it is established that they knowingly reported or publicly disclosed false information, in accordance with the national law transposing Article 23 of the Directive (EU) 2019/1937. Member States shall also provide for measures for compensating damage resulting from such reporting or public disclosures.*

Or. en

## **Amendment 109**

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

*Text proposed by the Commission*

*Amendment*

Requests to act in exceptional circumstances

Requests to act in exceptional circumstances ***following indications of possible material breaches***

Or. en

## **Amendment 110**

### **Proposal for a regulation Article 30 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

***1. Financial supervisors shall notify the Authority where the situation of any non-selected obliged entity with regard to its compliance with applicable requirements and its exposure to money laundering and terrorism financing risks deteriorates rapidly and significantly, especially where such deterioration could lead to significant harm to the reputation of the Member State where that entity operates, several Member States or of the Union as a whole.***

***deleted***

Or. en

## **Amendment 111**

### **Proposal for a regulation Article 30 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) investigate possible breaches of Union law, and where such Union law is composed of Directives or explicitly grants options for Member States, breaches of national law to the extent that it transposes Directives or exercises options granted to Member States by Union law, by a non-

(a) investigate possible ***material*** breaches of Union law, and where such Union law is composed of Directives or explicitly grants options for Member States, breaches of national law to the extent that it transposes Directives or exercises options granted to Member States

selected obliged entity; and

by Union law, by a non-selected obliged entity; and

Or. en

## Amendment 112

### Proposal for a regulation

#### Article 30 – paragraph 2 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*The Authority may initiate such requests where it has indications of possible material breaches following information provided by financial supervisors as referred to in Article 29a(1), by the reporting mechanism pursuant to Article 29a(2), by the Union institutions and bodies, through its own collection of information under Article 11(a) or Article 28, or by any other credible information sources. For the purpose of this subparagraph, the Commission shall establish a procedure for defining the conditions and arrangements for the Commission to request the Authority to exercise its powers under this Article following information in the possession of the Commission.*

Or. en

## Amendment 113

### Proposal for a regulation

#### Article 30 – paragraph 5 – introductory part

*Text proposed by the Commission*

*Amendment*

5. The request from the Authority shall contain:

5. The request from the Authority *to the Commission pursuant to paragraph 4* shall contain:

Or. en

## Amendment 114

### Proposal for a regulation Article 30 – paragraph 6

*Text proposed by the Commission*

6. The Commission shall have one month from the date of receipt of the request from the Authority to adopt a decision whether to authorise the transfer of the relevant tasks and powers or to oppose it. The decision shall be notified to the Authority, which shall immediately inform the financial supervisor and the non-selected obliged entity thereof.

*Amendment*

6. The Commission shall have one month from the date of receipt of the request from the Authority to adopt a decision whether to authorise the transfer of the relevant tasks and powers or to oppose it. The decision shall be notified to the Authority, which shall immediately inform the financial supervisor and the non-selected obliged entity thereof. ***The decision shall also be communicated to the European Parliament and to the Council.***

Or. en

## Amendment 115

### Proposal for a regulation Article 30 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 30a*

***Requests to act in exceptional circumstances following a request from a financial supervisor***

***1. The Authority shall, at the request of a financial supervisor, assess whether or not it is necessary to exercise direct supervision in accordance with this Regulation of non-selected obliged entities in order to ensure the consistent application of high supervisory standards.***

***2. The financial supervisor's request shall:***

***(a) identify the non-selected obliged entity in respect of which the financial***

*supervisor is of the view that the Authority should assume direct supervision, and*

*(b) state why AML/CFT direct supervision of the non-selected obliged entity is necessary in order to ensure the consistent application of high supervisory standards;*

*(c) identify the proposed duration of the requested transfer of the relevant tasks and powers.*

*3. The financial supervisor's request shall be accompanied by a report indicating the supervisory history and risk profile of the relevant non-selected obliged entity.*

*4. If the Authority does not agree with the financial supervisor's request, it shall consult with the financial supervisor concerned prior to its final assessment as to whether AML/CFT supervision by the Authority of the non-selected obliged entity is necessary in order to ensure the consistent application of high supervisory standards.*

*5. If the Authority agrees with the financial supervisor's request, it shall request the Commission to grant permission to transfer the relevant tasks and powers referred to in Article 5(2) and Article 6(1) related to direct supervision of the non-selected obliged entity from the financial supervisor concerned to the Authority.*

*6. The request from the Authority to the Commission pursuant to paragraph 5 shall:*

*(a) identify the non-selected obliged entity in respect of which the financial supervisor is of the view that the Authority should assume direct supervision;*

*(b) state why AML/CFT direct supervision of the non-selected obliged entity is necessary in order to ensure the consistent application of high supervisory standards, and*



*(c) indicate the proposed duration of the requested transfer of the relevant tasks and powers.*

*7. The Commission shall have one month from the date of receipt of the request from the Authority to adopt a decision whether to authorise the transfer of the relevant tasks and powers or to oppose it. The decision shall be notified to the Authority, which shall immediately inform the financial supervisor and the non-selected obliged entity thereof. The decision shall also be communicated to the European Parliament and to the Council.*

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

Or. en

## **Amendment 116**

### **Proposal for a regulation Article 30 b (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 30b*

*Settlement of disagreements between  
competent authorities in cross-border  
situations*

*1. Without prejudice to the powers*

*laid down in Section III, the Authority may assist the competent authorities in reaching an agreement in accordance with the procedure set out in paragraphs 2 to 4 of this Article in either of the following circumstances:*

*a. at the request of one or more of the competent authorities concerned where a competent authority disagrees with the procedure or content of an action, proposed action, or inactivity of another competent authority;*

*b. on its own initiative, where on the basis of objective reasons, disagreement can be determined between competent authorities.*

*In cases where Union law requires a joint decision to be taken by competent authorities and where, in accordance with those acts, the Authority may assist, on its own initiative, in reaching an agreement in accordance with the procedure set out in paragraphs 2, 3 and 4 of this Article, the competent authorities concerned, a disagreement shall be presumed in the absence of a joint decision being taken by those authorities within the time limits set out in those acts.*

*2. The competent authorities concerned shall notify the Authority without undue delay that an agreement has not been reached in the following cases:*

*a. where a time limit for reaching an agreement between competent authorities has been provided for in Union law, and either of the following occurs:*

*(i) the time limit has expired; or*

*(ii) at least two competent authorities concerned conclude that a disagreement exists, on the basis of objective reasons;*

*b. where no time limit for reaching an agreement between competent authorities has been provided for in the legislative acts referred to in Article 1(2),*

*and either of the following occurs:*

- (i) at least two competent authorities concerned conclude that a disagreement exists on the basis of objective reasons; or*
- (ii) two months have elapsed from the date of receipt by a competent authority of a request from another competent authority to take certain action in order to comply with those acts and the requested authority has not adopted a decision that satisfies the request.*

*3. The Executive Board shall assess whether the Authority should act in accordance with paragraph 1. Where the intervention is on the Authority's own initiative, the Authority shall notify the competent authorities concerned of its decision regarding the intervention.*

*Pending the Authority's decision, in cases where Union law requires a joint decision to be taken, all competent authorities involved in the joint decision shall defer their individual decisions. Where the Authority decides to act, all the competent authorities involved in the joint decision shall defer their decisions until the procedure set out in paragraphs 4 and 5 is concluded.*

*4. The Authority shall set a time limit for conciliation between the competent authorities taking into account any relevant time periods specified in Union law and the complexity and urgency of the matter. At that stage the Authority shall act as a mediator.*

*5. Where the competent authorities concerned fail to reach an agreement within the conciliation phase referred to in paragraph 4, the Authority may take a decision requiring those authorities to take specification, or to refrain from certain action, in order to settle the matter, and to ensure compliance with Union law. The decision of the Authority shall be binding on the competent authorities concerned. The Authority's*

*decision may require competent authorities to revoke or amend a decision that they have adopted or to make use of the powers which they have under the relevant Union law.*

*The Authority shall notify the competent authorities concerned of the conclusion of the procedures under paragraphs 4 and 5 together with, where applicable, its decision taken under paragraph 5.*

*6. Without prejudice to the powers of the Commission pursuant to Article 258 TFEU, where a competent authority does not comply with the decision of the Authority, and thereby fails to ensure that a financial institution or, in the context of matters relating to the prevention and countering of money laundering or of terrorist financing, a financial sector operator complies with requirements directly applicable to it by virtue of the relevant Union law, the Authority may adopt an individual decision addressed to that financial institution or financial sector operator requiring it to take necessary action to comply with its obligations under Union law, including the cessation of any practice.*

*The Authority may also adopt a decision in accordance with the first subparagraph of this paragraph where the relevant requirements of the relevant Union law are not directly applicable to financial sector operators. To that effect, the Authority shall apply relevant Union law, and where such Union law is composed of Directives, national law to the extent that it transposes those Directives. Where the relevant Union law is composed of Regulations and where those Regulations explicitly grant options for Member States, the Authority shall apply also national law to the extent that such options have been exercised.*

*7. Decisions adopted under paragraph 6 shall prevail over any previous decision adopted by the*

*competent authorities on the same matter. Any action by the competent authorities in relation to facts which are subject to a decision pursuant to paragraph 5 or 6 shall be compatible with those decisions.*

*8. The Chair of the Authority shall set out the nature and type of disagreements between competent authorities, the agreements reached and the decisions taken to settle such disagreements in the annual report of the Authority.*

Or. en

## **Amendment 117**

### **Proposal for a regulation Article 31 – paragraph 1**

*Text proposed by the Commission*

1. The Authority shall periodically conduct peer reviews of some or all of the activities of non-financial supervisors to strengthen consistency and effectiveness in supervisory outcomes. To that end, the Authority shall develop methods to allow for an objective assessment and comparison between non-financial supervisors reviewed. ***When planning and conducting peer reviews, existing information and evaluations already available with regard to the non-financial supervisor concerned, including any relevant information provided to the Authority in accordance with Article 11, assessments or reports drawn up by international organisations and intergovernmental bodies competent in the field of preventing money laundering or terrorist financing and any relevant information from stakeholders shall be taken into account.***

*Amendment*

1. The Authority shall periodically conduct peer reviews of some or all of the activities of non-financial supervisors to strengthen consistency and effectiveness in supervisory outcomes. To that end, the Authority shall develop methods to allow for an objective assessment and comparison between non-financial supervisors reviewed.

Or. en

## Amendment 118

### Proposal for a regulation Article 31 – paragraph 2

*Text proposed by the Commission*

2. ***For the purposes of this Article, the Authority shall establish ad hoc peer review committees, which shall be composed of staff from the Authority and members of the non-financial supervisors. The peer review committees shall be chaired by a member of the Authority’s staff. The Chair of the Authority shall, following a call for proposals, propose the chair and the members of a peer review committee which shall be approved by the Executive Board.***

*Amendment*

2. ***The peer reviews shall be carried out by the staff of the Authority in cooperation with the relevant staff of the non-financial supervisors.***

Or. en

## Amendment 119

### Proposal for a regulation Article 31 – paragraph 4

*Text proposed by the Commission*

4. The Authority shall produce a report setting out the results of the peer review. That peer review report shall be prepared by the ***peer review committee*** and adopted by the Executive Board, ***having received the observations of the General Board in supervisory composition as to the consistency of application of the methodology with other peer review reports.*** The report shall explain and indicate the follow-up measures that are deemed appropriate, proportionate and necessary as a result of the peer review. Those follow-up measures may be adopted in the form of guidelines and recommendations pursuant to Article 3 and

*Amendment*

4. The Authority shall produce a report setting out the results of the peer review. That peer review report shall be prepared by the ***staff of the Authority, in cooperation with the relevant staff of the non-financial supervisors,*** and adopted by the Executive Board, ***which shall share it in a timely manner with the non-financial supervisor under review.*** The report shall explain and indicate the follow-up measures that are deemed appropriate, proportionate and necessary as a result of the peer review. Those follow-up measures may be adopted in the form of guidelines and recommendations pursuant to Article 3 and opinions pursuant to Article 44. The

opinions pursuant to Article 44. The non-financial supervisors shall make every effort to comply with any guidelines and recommendations issued, in accordance with Article 43.

non-financial supervisors shall make every effort to comply with any guidelines and recommendations issued, in accordance with Article 43. ***The Authority shall transmit such reports without delay, on a confidential basis, at least to the European Parliament.***

Or. en

## Amendment 120

### Proposal for a regulation Article 31 – paragraph 6

#### *Text proposed by the Commission*

6. The Authority shall provide a follow-up report two years after the publication of the peer review report. The follow-up report shall be prepared by the ***peer review committee*** and adopted by the Executive Board, ***having received the observations of the General Board in supervisory composition on the consistency with other peer review reports.*** The follow-up report shall include an assessment of the adequacy and effectiveness of the actions undertaken by the non-financial supervisors that were subject to the peer review in response to the follow-up measures of the peer review report. The Authority shall publish the findings of the follow-up report on its website.

#### *Amendment*

6. The Authority shall provide a follow-up report two years after the publication of the peer review report. The follow-up report shall be prepared by the ***staff of the Authority, in cooperation with the relevant staff of the non-financial supervisors,*** and adopted by the Executive Board, ***which shall share it in a timely manner with the non-financial supervisor under review.*** The follow-up report shall include an assessment of the adequacy and effectiveness of the actions undertaken by the non-financial supervisors that were subject to the peer review in response to the follow-up measures of the peer review report. The Authority shall publish the findings of the follow-up report on its website.

Or. en

## Amendment 121

### Proposal for a regulation Article -33 (new)

***Article -33***

***The FIUs Support and Coordination Mechanism***

***1. The Authority and FIUs shall constitute a FIUs Support and Coordination Mechanism in order to prevent, detect and effectively combat money laundering and terrorist financing in the internal market.***

***The FIUs and the Authority shall perform their tasks and carry out their activities in accordance with this Regulation and applicable Union and national law.***

***2. FIUs shall participate in, and contribute to, the activities of the FIUs Support and Coordination Mechanism of FIUs in accordance with this Regulation and applicable Union law. They shall in particular:***

***(a) be able to participate in joint analyses as an integral part of their tasks, as well as in other activities undertaken by the Authority pursuant to its mandate;***

***(b) provide the Authority with the relevant data and information required to fulfil their tasks, as well as to implement the Authority's indications in accordance with this Regulation and applicable Union law.***

***All information obtained through the participation in the activities of the Authority shall be covered by the strictest confidentiality.***

Or. en

**Amendment 122**

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



*Text proposed by the Commission*

*Amendment*

***-1. The Authority shall adopt internal procedures defining methods and criteria for the selection and prioritisation of cases relevant for joint analyses.***

Or. en

## **Amendment 123**

### **Proposal for a regulation Article 33 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

1. Where, pursuant to Article 25 of [OP please insert the next number to the AMLD, COM(2021)423], ***and with respect to the criteria referred to in paragraph 1a of this Article***, a FIU of a Member State identifies a potential need to conduct a joint analysis with one or several FIUs in other Member States, it shall notify the Authority thereof.

***The notification of the need for a joint analysis as provided for in the first subparagraph shall be registered by the Authority. The Authority shall assess the relevance of the registered cases with regard to the criteria in accordance with paragraph 1a. Based on the level of priority, the urgency of cases and available resources, the Authority shall establish a work plan and launch the joint analysis.***

***When launching a joint analysis***, the Authority shall inform the FIUs in all the relevant Member States and invite them to take part in the joint analysis within five days of the initial notification. To this end, the Authority shall use secured channels of communication. The FIUs in all the relevant Member States shall consider taking part in the joint analysis.

***If at least one other FIU agrees to join the joint analysis***, the Authority shall ensure that the joint analysis is launched within 20 days of the initial notification, ***unless the urgency of the case justifies the imposition of a shorter deadline in accordance with the criteria for the selection and prioritisation of cases referred to in paragraph 1a.***

***If no FIU agrees to join the joint analysis, the Authority may, on its own initiative, choose to institute a joint analysis.***

Or. en

## Amendment 124

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

*Text proposed by the Commission*

*Amendment*

***1a. Europol may take part in the joint analysis, subject to the agreement of participating FIUs, where relevant. For the purpose of carrying out analysis in relation to the joint analysis, Europol shall have a liaison officer within the Authority.***

Or. en

## Amendment 125

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

*Text proposed by the Commission*

*Amendment*

**1b. Eurojust may take part in the joint analysis, subject to the agreement of participating FIUs.**

Or. en

## Amendment 126

### Proposal for a regulation Article 33 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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

2. **FIUs that are concerned by a joint analysis shall have a duty to participate in the conduct of the joint analysis. Exceptionally, a FIU may decline to participate in the conduct of the joint analysis by duly explaining and justifying it to the Authority in writing within five days of the receipt of the invitation. The Authority shall provide such explanation without delay to the other FIUs involved.**

Or. en

## Amendment 127

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

*Text proposed by the Commission*

*Amendment*

**2a. In order to bring together all relevant information at an early stage of the joint analysis and with the aim of better detecting suspicious activities or transactions, the joint analysis may**

*encompass by default the anonymous matching of subject-matter data with that of other FIUs.*

Or. en

## Amendment 128

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

*Text proposed by the Commission*

*Amendment*

***2b. In order to bring together all relevant information at an early stage of the joint analysis and with the aim of carrying out financial analysis at cross-border level, Europol shall take all appropriate measures to enable the Authority to have indirect access on the basis of a hit/no hit system to data-related to offences within the Authority's mandate. That hit/no hit system shall notify only Europol in the case of a hit and without prejudice to any restrictions indicated by the Member State, Union body or international organisation providing the information in question, in accordance with [please insert reference to Regulation 2016/794 (Recast)].***

***In the case of a hit, Europol shall initiate the procedure by which the information that generated the hit is permitted to be shared, in accordance with the decision of the provider of the information to Europol, and only to the extent that the data generating the hit are necessary for the performance of the Authority's tasks.***

Or. en

## Amendment 129

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

*Text proposed by the Commission*

*Amendment*

***2c. In order to bring together all relevant information with the aim of detecting subjects of the FIU's interests in other Member States and identifying their proceeds and funds, the Authority shall take all appropriate measures to enable Europol to have indirect access to data related to financial information and financial analysis within the limits of [please insert reference to Europol's Regulation], on the basis of a hit/no hit system, in accordance with the Authority's mandate.***

***In the case of a hit, the Authority shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the Authority's mandate, and only to the extent that the data generating the hit are necessary for the performance of Europol's tasks.***

Or. en

## **Amendment 130**

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

*Text proposed by the Commission*

*Amendment*

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

***3. The joint analysis shall be supported by the participating FIU's delegates pursuant to Article 35 of this Regulation. FIU delegates supporting the joint analysis shall be granted access, directly or indirectly, to all data pertaining to the subject-matter of the joint analysis and shall be able to process those data for the purposes of conducting the joint analysis in accordance with the applicable data protection rules, in particular in respect of receiving and analysing suspicious transactions and other***

*information in accordance with Article 17 of [please insert reference – proposal for 6th Anti-Money Laundering Directive - COM/2021/423 final].*

Upon explicit consent of the *relevant* FIUs participating in the joint analysis, the staff of the Authority supporting the joint analysis shall be granted access to all the data pertaining to the subject-matter of the joint analysis and shall be able to process those data *for the purpose of conducting the joint analysis in accordance with the applicable data protection rules. If unanimous consent is not obtained, the staff of the Authority may provide other types of support to the joint analysis.*

Or. en

## Amendment 131

### Proposal for a regulation Article 33 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a.** *The Authority may transmit the results of a joint analysis initiated on request by an FIU or on its own initiative, as well any additional information relating to this joint analysis, upon consent of participating FIUs, to Europol, law enforcement, customs and intelligence authorities where there are grounds to suspect money laundering, its predicate offences or terrorist financing.*

*The Authority and the competent authorities shall conclude a memorandum of understanding setting out the practical modalities for cooperation and exchange information in the performance of their respective tasks under Union law.*

Or. en

## Amendment 132

### Proposal for a regulation Article 34 – paragraph 1

*Text proposed by the Commission*

1. The Authority shall ensure that the methods and procedures established for the conduct of the joint analyses are periodically reviewed and updated where necessary.

*Amendment*

1. The Authority shall ensure that the methods and procedures established for the conduct of the joint analyses ***referred to in Article 33*** are periodically reviewed and updated where necessary.

Or. en

## Amendment 133

### Proposal for a regulation Article 34 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 134

### Proposal for a regulation Article 35 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 135**

**Proposal for a regulation  
Article 35 – paragraph 2**

*Text proposed by the Commission*

2. FIU delegates shall have the status of staff personnel of the delegating FIU at the time of their appointment and for the entire duration of their delegation. Member States shall appoint their FIU delegate on the basis of a proven high level of relevant, practical experience in the field of FIU tasks. The salaries and emoluments of the FIU delegate shall be borne by the delegating FIU.

*Amendment*

2. FIU delegates shall have the status of staff personnel of the delegating FIU at the time of their appointment and for the entire duration of their delegation. ***The delegating FIU shall facilitate the exercise of the functions of the FIU delegate and refrain from any action or policy that could adversely affect the FIU delegate's career or status in the national system. In particular, the delegating FIU shall provide the FIU delegate with the resources and equipment necessary to exercise its functions under this Regulation, and shall ensure that the FIU delegate remains fully integrated into its FIU.***

Member States shall appoint their FIU delegate on the basis of a proven high level of relevant, practical experience in the field of FIU tasks. ***The independence of FIU delegates shall be beyond doubt.*** The salaries and emoluments of the FIU delegate shall be borne by the delegating FIU.

Or. en



## Amendment 136

### Proposal for a regulation Article 35 – paragraph 3

*Text proposed by the Commission*

3. The term of office of the FIU delegates shall be three years, renewable once with consent of the delegating FIU.

*Amendment*

3. ***The General Board in FIU composition may reject a person who has been appointed as FIU delegate if that person does not fulfil the criteria referred to in paragraph 4.*** The term of office of the FIU delegates shall be three years, renewable once with consent of the delegating FIU.

Or. en

## Amendment 137

### Proposal for a regulation Article 35 – paragraph 5

*Text proposed by the Commission*

5. FIU delegates ***may*** be granted access to any data accessible by their delegating FIU for the purposes of carrying out the tasks referred to in paragraph 4, ***subject to consent of their delegating FIU.***

*Amendment*

5. FIU delegates ***shall*** be granted access to any data accessible by their delegating FIU for the purposes of carrying out the tasks referred to in paragraph 4.

Or. en

## Amendment 138

### Proposal for a regulation Article 35 – paragraph 6

*Text proposed by the Commission*

6. The Executive Board shall determine the rights and obligations of the FIU delegates in relation to the Authority.

*Amendment*

6. The Executive Board shall determine the rights and obligations of the FIU delegates in relation to the Authority. ***Adequate arrangements shall be in place to ensure that the FIU delegate's rights***

*relating to social security, pension and insurance coverage under the national scheme are maintained. The total remuneration of the FIU delegate shall not be lower than what it would be if that FIU delegate had only remained a member of staff of the delegating FIU.*

Or. en

## **Amendment 139**

### **Proposal for a regulation**

#### **Article 36 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. In the context of promoting cooperation and support of the work of the FIUs, the Authority shall organise and facilitate at least the following activities:

*Amendment*

1. In the context of promoting cooperation and support of the work of the FIUs, ***taking into account the needs of FIUs***, the Authority shall organise and facilitate at least the following activities:

Or. en

## **Amendment 140**

### **Proposal for a regulation**

#### **Article 36 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) access to operational analysis tools and commercially held data and training their staff on how to use them;***

Or. en

## **Amendment 141**

### **Proposal for a regulation**

#### **Article 36 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

**(cb) development or procurement of IT tools and services to enhance the analysis of FIUs.**

Or. en

## **Amendment 142**

### **Proposal for a regulation Article 36 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Any FIU may submit to the Authority a request for assistance related to the tasks of the FIU, specifying the type of assistance that can be provided by the staff of the Authority, the staff of one or more than one FIU, or a combination thereof. The FIU requesting assistance shall ensure the access to any information and data necessary for the provision of such assistance. The Authority shall keep and regularly update information on specific areas of expertise and capacity of FIUs to provide mutual assistance.

2. Any FIU may submit to the Authority a request for assistance related to the tasks of the FIU, specifying the type of assistance that can be provided by the staff of the Authority, the staff of one or more than one FIU, or a combination thereof. The FIU requesting assistance shall ensure the access to any information and data necessary for the provision of such assistance. The Authority shall keep and regularly update information on specific areas of expertise and capacity of FIUs to provide mutual assistance ***related to the tasks of FIUs.***

Or. en

## **Amendment 143**

### **Proposal for a regulation Article 37 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Authority shall ensure adequate ***and*** uninterrupted hosting, management, maintenance, and development of the FIU.net. The Authority shall, in cooperation with the Member

1. The Authority shall ensure adequate, uninterrupted ***and secure*** hosting, management, maintenance, and development of the FIU.net. ***Taking into account the needs of FIUs,*** the Authority

States, ensure that the most advanced available technology is used for the FIU.net, *subject to a cost-benefit analysis*.

shall, in cooperation with the Member States, ensure that the most advanced *and secure* available technology is used for the FIU.net, *taking into account the needs of FIUs*.

Or. en

#### Amendment 144

##### Proposal for a regulation

##### Article 37 – paragraph 3 – introductory part

*Text proposed by the Commission*

3. The Authority shall be responsible for the following tasks relating to the FIU.net:

*Amendment*

3. The Authority shall *also* be responsible for the following tasks relating to the FIU.net:

Or. en

#### Amendment 145

##### Proposal for a regulation

##### Article 37 – paragraph 3 – point a

*Text proposed by the Commission*

(a) *ensure the required level of security of the system, including the implementation of the* appropriate technical and organizational measures to *address and mitigate* data protection risks;

*Amendment*

(a) *implement* appropriate technical and organizational measures to *ensure a level of security appropriate to the* data protection risks *and data subject rights, including the keeping of appropriate information, access records and logs*;

Or. en

#### Amendment 146

##### Proposal for a regulation

##### Article 37 – paragraph 3 – point b

*Text proposed by the Commission*

(b) coordinate, manage and support any testing activities;

*Amendment*

(b) **plan**, coordinate, manage and support any testing activities;

Or. en

#### **Amendment 147**

##### **Proposal for a regulation Article 37 – paragraph 4**

*Text proposed by the Commission*

4. For the purposes of carrying out the tasks referred to in paragraphs 1, 2 and 3, the Authority shall be empowered to conclude or enter into legally binding contracts or agreements with third party service providers.

*Amendment*

4. For the purposes of carrying out the tasks referred to in paragraphs 1, 2 and 3, the Authority shall be empowered to conclude or enter into legally binding contracts or agreements with third party service providers, ***after appropriate audits of their security standards.***

Or. en

#### **Amendment 148**

##### **Proposal for a regulation Article 37 a (new)**

*Text proposed by the Commission*

*Amendment*

##### ***Article 37a***

##### ***Peer reviews***

***1. The Authority shall periodically conduct peer reviews of some or all of the activities of FIUs with regard to analysis and dissemination methods and procedures, with a view to ensuring that FIUs provide timely and adequate information to the competent authorities. To that end, the Authority shall develop methods to allow for an objective assessment and comparison between FIUs***

*reviewed.*

**2. *The peer reviews shall be carried out by the staff of the Authority in cooperation with the staff of FIUs.***

**3. *The peer review may include an assessment of:***

**(a) *the adequacy of powers for carrying out the analysis functions and dissemination duties;***

**(b) *the effectiveness and the degree of convergence reached in the application of Union law and in FIUs practice with regard to the analysis functions and dissemination, and the extent to which the FIUs practice achieves the objectives set out in Union law in that regard;***

**(c) *the effectiveness and the degree of convergence reached with regard to the methods and procedures in view of the analysis functions and dissemination;***

**(d) *the application of best practices developed by FIUs whose adoption might be of benefit for other FIUs.***

**4. *The Authority shall produce a report setting out the results of the peer review. That peer review report shall be prepared by the staff of the Authority in cooperation with the staff of FIUs and adopted by the Executive Board, which shall share it in a timely manner with the FIU under review. The report shall explain and indicate the follow-up measures that are deemed appropriate, proportionate and necessary as a result of the peer review. Those follow-up measures may be adopted in the form of guidelines and recommendations pursuant to Article 43 and opinions pursuant to Article 44. The FIU shall make every effort to comply with any guidelines and recommendations issued, in accordance with Article 43. The Authority shall transmit such reports without delay, on a confidential basis, at least to the European Parliament.***

***5. The Authority shall publish the findings of the peer review on its website and submit an opinion to the Commission where, having regard to the outcome of the peer review or to any other information acquired by the Authority in carrying out its tasks, it considers that further harmonisation of Union rules applicable to obliged entities or the FIU would be necessary from the Union's perspective.***

***6. The Authority shall provide a follow-up report two years after the publication of the peer review report. The follow-up report shall be prepared by the staff of the Authority in cooperation with the staff of FIUs and adopted by the Executive Board, which shall share it in a timely manner with the FIU under review. The follow-up report shall include an assessment of the adequacy and effectiveness of the actions undertaken by the FIUs that were subject to the peer review in response to the follow-up measures of the peer review report. The Authority shall publish the findings of the follow-up report on its website.***

***7. For the purposes of this Article, the Executive Board shall adopt a peer review workplan every two years, which shall reflect the lessons learnt from the past peer review processes and discussions held in the General Board in FIU composition. The peer review work plan shall constitute a separate part of the annual and multiannual working programme and shall be included in the Single Programming Document. In case of urgency or unforeseen events, the Authority may decide to carry out additional peer reviews.***

Or. en

## Amendment 149

### Proposal for a regulation

#### Article 43 – paragraph 3 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***The guidelines and recommendations issued by the Authority shall replace the guidelines and recommendations previously issued by the EBA or the competent authorities on the same subject. The guidelines and recommendations issued by the EBA or the competent authorities shall remain applicable until they are replaced by the guidelines and recommendations issued by the Authority. The Authority shall provide for a suitable transition period for obliged entities to comply with the new guidelines and recommendations.***

Or. en

## Amendment 150

### Proposal for a regulation

#### Article 44 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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

2. The request referred to in paragraph 1 may include a public consultation or a technical analysis. ***It may also include a consultation of other Union bodies involved in the AML/CFT framework.***

Or. en

## Amendment 151

### Proposal for a regulation

#### Article 44 a (new)



***Article 44a***

***Rules governing the format of  
information exchanges***

***The Authority shall specify the format to be used to request, collect or exchange information with the purpose of enhancing the comparability of the information and ensuring the efficiency of reporting. The Authority shall develop templates, common reporting formats or any other relevant measure, including at least in respect of the following situations:***

***(a) the Authority or competent supervisors request, collect or exchange information from other competent supervisors, FIUs, or obliged entities in the context of the tasks set out in this Regulation and applicable Union law;***

***(b) the Authority, FIUs or competent authorities request, collect or exchange information related to money laundering, its predicate offences, or terrorist financing, from other competent authorities, FIUs or obliged entities in the context of the tasks set out in this Regulation and applicable Union law.***

***The Authority and the relevant competent authorities shall make use of the formats established by the Authority pursuant to this Article. The adoption process of those formats shall follow the applicable procedure depending on the type of act provided for under applicable Union law.***

***The formats issued by the Authority shall replace the formats previously issued by the EBA or the competent authorities on the same subject. The formats issued by the EBA or the competent authorities shall remain applicable until they are replaced by the formats issued by the Authority. The Authority shall provide for a suitable transition period for obliged entities, competent supervisors, FIUs and***

*other competent authorities to comply with the new formats.*

Or. en

## **Amendment 152**

### **Proposal for a regulation Article 45 – paragraph 1 – point 5**

*Text proposed by the Commission*

(5) an Administrative Board of **Review** which shall exercise the functions listed in Article 62.

*Amendment*

(5) an Administrative Board of **Appeal** which shall exercise the functions listed in Article 62.

Or. en

## **Amendment 153**

### **Proposal for a regulation Article 46 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) one representative of the Commission, without the right to vote.

*Amendment*

(c) one representative of the Commission, without the right to vote;

Or. en

## **Amendment 154**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

## Amendment 155

### Proposal for a regulation Article 46 – paragraph 4

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 156

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

*Text proposed by the Commission*

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

*Amendment*

The General Board, on its own initiative or at the request of the Chair of the Authority, may establish internal committees for specific tasks attributed to it. The General Board may provide for the delegation of certain clearly defined tasks to internal committees, to the Executive Board or to the Chair. The General Board may revoke such delegation at any time. ***The General Board shall remain responsible and exercise ultimate control over all its decisions. The members of the Executive Board may participate in the meetings of internal committees in accordance with Article 46(5).***

**Amendment 157****Proposal for a regulation  
Article 52 – paragraph 3***Text proposed by the Commission*

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

*Amendment*

3. The five members of the Executive Board referred to in paragraph 1, point (b), shall be selected following an open selection procedure which shall be published in the Official Journal of the European Union. **The Commission shall draw up a shortlist of qualified candidates for the position of the five full-time members of the Executive Board and shall provide the competent committee of the European Parliament with the shortlist of candidates. The competent committee of the European Parliament may conduct hearings of the candidates.** The Commission shall submit a proposal for the appointment of the five full-time members of the Executive Board to the European Parliament for approval. **Following the European Parliament's approval of that proposal, the Council shall adopt an implementing decision to appoint the five full-time members of the Executive Board. The Council shall act by qualified majority.**

The selection shall respect the principles of experience, qualification, **gender balance** and, to the extent possible, geographical balance.

**Amendment 158****Proposal for a regulation  
Article 52 – paragraph 7 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 159**

**Proposal for a regulation  
Article 53 – paragraph 2**

*Text proposed by the Commission*

2. The Executive Board shall adopt all the decisions addressed to selected obliged entities following the proposal of the selected obliged entity's Joint Supervisory Team referred to in Article 15, and taking into account the opinion provided by the General Board on that proposed decision. Where the Executive Board deviates from such an opinion, it shall provide the reasons thereof in writing.

*Amendment*

2. The Executive Board shall adopt all the **decisions addressed to selected obliged entities for the purposes of the exercise of the tasks referred to in Article 5(2) and the powers referred to in Article 6(1) and Articles 16 to 22. The Executive Board shall adopt** decisions addressed to selected obliged entities following the proposal of the selected obliged entity's Joint Supervisory Team referred to in Article 15, and taking into account the opinion provided by the General Board on that proposed decision. Where the Executive Board deviates from such an opinion, it shall provide the reasons thereof in writing.

Or. en

**Amendment 160**

**Proposal for a regulation  
Article 53 – paragraph 3**

*Text proposed by the Commission*

3. The Executive Board shall adopt all

*Amendment*

3. The Executive Board shall adopt all

the decisions addressed to individual public authorities pursuant to Articles 28, 31, and 32.

the decisions addressed to individual public authorities pursuant to Articles 28, **30, 30a, 30b**, 31, and 32.

Or. en

## Amendment 161

### Proposal for a regulation Article 56 – paragraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

1. The Chair of the Authority shall be selected on the basis of merit, skills, knowledge, recognised standing and experience in the area of anti-money laundering and countering the financing of terrorism and other relevant qualification, following an open selection procedure which shall **respect the principle of gender balance and shall** be published in the Official Journal of the European Union. The Commission shall **provide to the European Parliament** a shortlist of two qualified candidates for the **positions of Chair of the Authority and inform the Council of the shortlist. The European Parliament may conduct hearings of the candidates. The Commission shall submit a proposal for the appointment** of the Chair of the Authority **to** the European Parliament **for approval. Following the European Parliament's approval of that proposal, the Council** shall adopt an implementing decision to appoint the Chair of the Authority. **The Council shall act by qualified majority.**

Or. en

## Amendment 162

### Proposal for a regulation Article 58 – paragraph 4

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 163**

**Proposal for a regulation  
Chapter III – Section 5 – title**

*Text proposed by the Commission*

ADMINISTRATIVE BOARD OF  
***REVIEW***

*Amendment*

ADMINISTRATIVE BOARD OF  
***APPEAL***

Or. en

**Amendment 164**

**Proposal for a regulation  
Article 60 – title**

*Text proposed by the Commission*

Creation and Composition of the  
Administrative Board of ***Review***

*Amendment*

Creation and Composition of the  
Administrative Board of ***Appeal***

**Amendment 165****Proposal for a regulation  
Article 60 – paragraph 1***Text proposed by the Commission*

1. The Authority shall establish an Administrative Board of **Review** for the purposes of carrying out an internal administrative review of the decisions taken by the Authority in the exercise of the powers listed in Articles 20, 21 and 22. The scope of the internal administrative review shall pertain to the procedural and substantive conformity with this Regulation of such decisions.

*Amendment*

1. The Authority shall establish an Administrative Board of **Appeal** for the purposes of carrying out an internal administrative review of the decisions taken by the Authority in the exercise of the powers listed in Articles 20, 21 and 22. The scope of the internal administrative review shall pertain to the procedural and substantive conformity with this Regulation of such decisions.

**Amendment 166****Proposal for a regulation  
Article 60 – paragraph 2***Text proposed by the Commission*

2. The Administrative Board of **Review** shall be composed of five individuals of high repute, having a proven record of relevant knowledge and professional experience, including supervisory experience in the area of anti-money laundering and countering the financing of terrorism, excluding current staff of the Authority, as well as current staff of AML/CFT supervisory authorities and FIUs or other national or Union institutions, bodies, offices and agencies who are involved in the carrying out of the tasks conferred on the Authority by this Regulation. The Administrative Board of **Review** shall have sufficient resources and

*Amendment*

2. The Administrative Board of **Appeal** shall be composed of five individuals of high repute, having a proven record of relevant knowledge and professional experience, including supervisory experience in the area of anti-money laundering and countering the financing of terrorism, excluding current staff of the Authority, as well as current staff of AML/CFT supervisory authorities and FIUs or other national or Union institutions, bodies, offices and agencies who are involved in the carrying out of the tasks conferred on the Authority by this Regulation. The Administrative Board of **Appeal** shall have sufficient resources and



expertise to assess the exercise of the powers of the Authority under this Regulation.

expertise to assess the exercise of the powers of the Authority under this Regulation.

Or. en

#### **Amendment 167**

##### **Proposal for a regulation Article 60 – paragraph 3**

*Text proposed by the Commission*

3. The Administrative Board of **Review** shall decide on the basis of a majority of at least three of its five members.

*Amendment*

3. The Administrative Board of **Appeal** shall decide on the basis of a majority of at least three of its five members.

Or. en

#### **Amendment 168**

##### **Proposal for a regulation Article 61 – title**

*Text proposed by the Commission*

Members of the Administrative Board of **Review**

*Amendment*

Members of the Administrative Board of **Appeal**

Or. en

#### **Amendment 169**

##### **Proposal for a regulation Article 61 – paragraph 1**

*Text proposed by the Commission*

1. The members of the Administrative Board of **Review** and two alternates shall be appointed by the General Board in supervisory composition for a term of five

*Amendment*

1. The members of the Administrative Board of **Appeal** and two alternates shall be appointed by the General Board in supervisory composition for a term of five

years, which may be extended once, following a public call for expressions of interest published in the Official Journal of the European Union. They shall not be bound by any instructions.

years, which may be extended once, following a public call for expressions of interest published in the Official Journal of the European Union. They shall not be bound by any instructions.

Or. en

## **Amendment 170**

### **Proposal for a regulation Article 61 – paragraph 2**

#### *Text proposed by the Commission*

2. The members of the Administrative Board of **Review** shall act independently and in the public interest and shall not perform any other duties within the Authority. For that purpose, they shall make a public declaration of commitments and a public declaration of interests indicating any direct or indirect interest which might be considered prejudicial to their independence or the absence of any such interest.

#### *Amendment*

2. The members of the Administrative Board of **Appeal** shall act independently and in the public interest and shall not perform any other duties within the Authority. For that purpose, they shall make a public declaration of commitments and a public declaration of interests indicating any direct or indirect interest which might be considered prejudicial to their independence or the absence of any such interest.

Or. en

## **Amendment 171**

### **Proposal for a regulation Article 61 – paragraph 3**

#### *Text proposed by the Commission*

3. The members of the Administrative Board of **Review** shall not be removed from office or from the list of qualified candidates during their term of office, unless there are serious grounds for such removal and the General Board in supervisory composition takes a decision to that effect, acting on a proposal from the Commission.

#### *Amendment*

3. The members of the Administrative Board of **Appeal** shall not be removed from office or from the list of qualified candidates during their term of office, unless there are serious grounds for such removal and the General Board in supervisory composition takes a decision to that effect, acting on a proposal from the Commission.

## Amendment 172

### Proposal for a regulation

#### Article 62 – title

*Text proposed by the Commission*

*Amendment*

Decisions subject to **review**

Decisions subject to **appeal**

Or. en

## Amendment 173

### Proposal for a regulation

#### Article 62 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. A request for **review** may be brought before the Administrative Board of **Review** against decisions taken by the Authority pursuant to Articles 6(1), 20, 21 and 22 by any natural or legal person to whom the decision is addressed, or to whom it is of a direct and individual concern.

1. A request for **appeal** may be brought before the Administrative Board of **Appeal** against decisions taken by the Authority pursuant to Articles 6(1), 20, 21 and 22 by any natural or legal person to whom the decision is addressed, or to whom it is of a direct and individual concern. ***The filing of the appeal shall have suspensive effect.***

Or. en

## Amendment 174

### Proposal for a regulation

#### Article 62 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. Any request for **review** shall be made in writing, including a statement of grounds, and shall be lodged at the Authority within one month of the date of notification of the decision to the person

2. Any request for **appeal** shall be made in writing, including a statement of grounds, and shall be lodged at the Authority within one month of the date of notification of the decision to the person

requesting the review, or, in the absence thereof, of the day on which it came to the knowledge of the latter, as the case may be.

requesting the review, or, in the absence thereof, of the day on which it came to the knowledge of the latter, as the case may be.

Or. en

## Amendment 175

### Proposal for a regulation Article 62 – paragraph 3

*Text proposed by the Commission*

3. After ruling on the admissibility of the *review*, the Administrative Board of *Review* shall *express an opinion* within a period appropriate to the urgency of the matter and no later than two months from the receipt of the request *and remit the case for preparation of a new draft decision to the Executive Board. The Executive Board shall take into account the opinion of the Administrative Board of Review and shall promptly adopt a new decision.* The new decision shall abrogate the initial decision, replace it with a decision of identical content, or replace it with an amended decision.

*Amendment*

3. After ruling on the admissibility of the *appeal*, the Administrative Board of *Appeal* shall *decide* within a period appropriate to the urgency of the matter and no later than two months from the receipt of the request. The new decision *of the Board of Appeal* shall abrogate the initial decision *of the Executive Board*, replace it with a decision of identical content, or replace it with an amended decision.

Or. en

## Amendment 176

### Proposal for a regulation Article 62 – paragraph 4

*Text proposed by the Commission*

4. *A request for review pursuant to paragraph 2 shall not have suspensive effect. However, the Executive Board, on a proposal by the Administrative Board of Review, may, if it considers that circumstances so require, suspend the application of the contested decision.*

*Amendment*

*deleted*

### Amendment 177

#### Proposal for a regulation Article 62 – paragraph 5

*Text proposed by the Commission*

5. The *opinion expressed by the Administrative Board of Review, and the new decision adopted by the Executive Board pursuant to this Article*, shall be reasoned and notified to the parties.

*Amendment*

5. The *decision of* the Administrative Board of *Appeal* shall be reasoned and notified to the parties.

### Amendment 178

#### Proposal for a regulation Article 62 – paragraph 6

*Text proposed by the Commission*

6. The Authority shall adopt a decision establishing the Administrative Board of *Review's* operating Rules of Procedure.

*Amendment*

6. The Authority shall adopt a decision establishing the Administrative Board of *Appeal's* operating Rules of Procedure.

### Amendment 179

#### Proposal for a regulation Article 62 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 62a*

#### *Actions before the Court of Justice*

1. *Actions for the annulment of the Authority's decisions taken pursuant to Article 6(1) and Articles 20, 21 and 22*

*may be brought before the Court of Justice of the European Union only after the appeal procedure within the Authority in accordance with Article 62 has been exhausted.*

*2. An action taken pursuant to paragraph 1 may be brought on grounds of lack of competence, incorrect, wrong or irregular decision, infringement of an essential procedural requirement, infringement of the Treaties, of this Regulation or of any legal rule relating to the applicable or misuse of power.*

*3. The Authority shall take the necessary measures to comply with the judgment of the General Court or, in the event of an appeal against that judgment, the Court of Justice.*

Or. en

## **Amendment 180**

### **Proposal for a regulation Article 64 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) any voluntary financial contribution from the Member States.

*Amendment*

(c) any voluntary financial contribution from the Member States, *including from the Member State where the Authority's seat is located;*

Or. en

## **Amendment 181**

### **Proposal for a regulation Article 64 – paragraph 3 – point c a (new)**

*Text proposed by the Commission*

*(ca) agreed charges for publications, training and for any other services*

*Amendment*

*provided by the Authority where they have been specifically requested by an obliged entity or non-obliged entity.*

Or. en

## Amendment 182

### Proposal for a regulation Article 72 – paragraph 2

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

## Amendment 183

### Proposal for a regulation Article 72 – paragraph 3

#### *Text proposed by the Commission*

3. At the request of the European Parliament, the Chair of the Authority shall participate in a hearing on the execution of its tasks by the competent committees of the European Parliament.

#### *Amendment*

3. At the request of the European Parliament, the Chair of the Authority shall participate in a hearing on the execution of its tasks by the competent committees of the European Parliament. ***A hearing shall***

*take place at least annually. The Chair shall make a statement before the relevant committees of the European Parliament and answer any questions from their members, whenever so requested.*

Or. en

#### **Amendment 184**

##### **Proposal for a regulation Article 72 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

4. The Authority shall reply orally or in writing to questions put to it by the European Parliament *within five weeks of their receipt.*

Or. en

#### **Amendment 185**

##### **Proposal for a regulation Article 72 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*4a. Upon request, the Chairperson shall hold confidential oral discussions behind closed doors with the Chair, Vice-Chairs and Coordinators of the competent committees of the European Parliament. All participants shall respect the requirements of professional secrecy.*

Or. en

#### **Amendment 186**

##### **Proposal for a regulation Article 72 – paragraph 4 b (new)**



*Text proposed by the Commission*

*Amendment*

**4b. Without prejudice to its confidentiality obligations stemming from participation in international fora, the Authority shall inform the European Parliament upon request about its contribution to a united, common, consistent and effective representation of the Union's interests in such international fora.**

Or. en

## **Amendment 187**

### **Proposal for a regulation Article 73 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 73a**

##### **Transitional provisions concerning the staff**

**1. All members of staff under contract in the EBA carrying out tasks in the field of anti-money laundering and countering terrorist financing shall be offered the possibility of concluding temporary agent contracts pursuant to Article 2(a) of the Conditions of Employment of Other Servants at the various grades as set out in the Authority's establishment plan.**

**2. An internal selection limited to members of staff under contract in the EBA shall be carried out after the entry into force of this Regulation by the authority authorised to conclude contracts in order to check the ability, efficiency and integrity of those to be engaged. The internal selection procedure shall take full account of the skills and experience of the individuals' performance prior to the**

*engagement.*

**3. Depending on the type and level of functions to be performed, successful applicants shall be offered temporary agents' contracts of a duration corresponding at least to the time remaining under their prior contract.**

Or. en

## **Amendment 188**

### **Proposal for a regulation Article 77 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. By ... [12 months after the date of entry into force of this Regulation], the Authority shall conclude a memorandum of understanding with the authorities referred to in paragraph 1 setting out in general terms how they will cooperate and exchange information in the performance of their supervisory tasks under Union law in relation to selected obliged entities and non-selected obliged entities.**

Or. en

## **Amendment 189**

### **Proposal for a regulation Article 78 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Where necessary, the Authority shall conclude a memorandum of understanding with the authorities referred to in paragraph 1 setting out in general terms how they will cooperate and exchange information in the performance of their supervisory tasks under Union law

2. Where necessary, the Authority shall conclude a memorandum of understanding with the authorities referred to in paragraph 1 setting out in general terms how they will cooperate and exchange information in the performance of their supervisory tasks under Union law in relation to selected obliged entities **and**

in relation to selected obliged entities.

*non-selected obliged entities.*

Or. en

## Amendment 190

### Proposal for a regulation Article 78 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. By ... [12 months after the date of entry into force of this Regulation], the Authority and the European Central Bank shall conclude a memorandum of understanding setting out the practical modalities for cooperation and for exchange information in the performance of their respective tasks under Union law.**

Or. en

## Amendment 191

### Proposal for a regulation Article 78 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. The Authority shall ensure effective cooperation and information exchange between all **financial supervisors** in the AML/CFT supervisory system and the relevant non-AML/CFT authorities referred to in paragraph 1, including with regard to access to any information and data in central AML/CFT database referred to in Article 11.

3. The Authority shall ensure effective cooperation and information exchange between all **supervisory authorities** in the AML/CFT supervisory system and the relevant non-AML/CFT authorities referred to in paragraph 1, including with regard to access to any information and data in central AML/CFT database referred to in Article 11.

Or. en

## Amendment 192

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

*Text proposed by the Commission*

*Amendment*

***-1. Where relevant for the fulfilment of the tasks referred to in Sections 3 and 6 of Chapter II, the Authority may set up cooperation arrangements with selected obliged entities as well as other obliged entities in the financial and non-financial sector. Those cooperation arrangements may also provide for the participation of supervisory authorities, FIUs, Europol and data protection authorities at national and Union level, as appropriate. The Authority shall ensure that those cooperation arrangements comply with the applicable data protection rules.***

Or. en

## Amendment 193

### Proposal for a regulation Article 79 – paragraph 1

*Text proposed by the Commission*

*Amendment*

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

Where relevant for the fulfilment of the tasks referred to in Sections 3 and 6 of Chapter II, the Authority may participate in existing cooperation arrangements established in one or across several Member States by supervisory authorities or FIUs, where such arrangements involve, inter alia, cooperation and information exchange between the aforementioned authorities and selected obliged entities. Participation of the Authority shall be subject to consent of the relevant national authority that has established such arrangement ***and in line with the applicable data protection rules.***

## Amendment 194

### Proposal for a regulation

#### Article 79 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***Where relevant for the fulfilment of the tasks referred to in Sections 3 and 6 of Chapter II, the Authority may participate in similar cooperation arrangements established by other Union bodies in view of preventing and fighting against money laundering, predicate offences and terrorist financing.***

Or. en

## Amendment 195

### Proposal for a regulation

#### Article 80 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

## Amendment 196

### Proposal for a regulation Article 81 – paragraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

## Amendment 197

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

#### *Text proposed by the Commission*

3. In cases where the interaction of several Union public authorities and FIUs with third country authorities concerns matters falling within the scope of the Authority's tasks as defined in Article 5, the Authority shall have a leading role in facilitating such interaction where necessary. This role of the Authority shall

#### *Amendment*

3. In cases where the interaction of several Union public authorities and FIUs with third country authorities concerns matters falling within the scope of the Authority's tasks as defined in Article 5, the Authority shall have a leading role in facilitating such interaction where necessary. This role of the Authority shall

be without prejudice to the regular interactions by competent authorities with third-country authorities.

be without prejudice to the regular interactions by competent authorities *and FIUs* with third-country authorities.

Or. en

## Amendment 198

### Proposal for a regulation Article 86 – paragraph 6

#### *Text proposed by the Commission*

6. A delegated act adopted pursuant to Article 25 and Article 65 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 Article 25 and Article 65 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **three months** of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **three months** at the initiative of the European Parliament or of the Council.

Or. en

## Amendment 199

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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





