

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance)

2021/0250(COD)
DRAFT [AMLD - TM17 of 17.10.2023]
17-10-2023 at 13h04

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Formula				
1	2021/0250 (COD)	2021/0250 (COD)	2021/0250 (COD)	2021/0250 (COD) For Political level AMLD related AMLA related AMLR related EC to revert CONS to revert EP to revert Implement structural change Text Origin: Commission Proposal
Proposal Title				
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849	

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	(Text with EEA relevance)	(Text with EEA relevance)	(Text with EEA relevance)	
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Text Origin: Commission Proposal
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof, Text Origin: Commission Proposal
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Text Origin: Commission Proposal
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, Text Origin: Commission

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Citation 4				
7	Having regard to the opinion of the European Central Bank¹, 1. OJ C [...], [...], p. [...].	Having regard to the opinion of the European Central Bank¹, 1. OJ C [...], [...], p. [...].	Having regard to the opinion of the European Central Bank¹, 1. OJ C [...], [...], p. [...].	Having regard to the opinion of the European Central Bank¹, 1. OJ C [...], [...], p. [...]. Text Origin: Commission Proposal
Citation 5				
8	Having regard to the opinion of the European Economic and Social Committee¹, 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee¹, 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee¹, 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee¹, 1. OJ C , , p. . Text Origin: Commission Proposal
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, Text Origin: Commission Proposal
Formula				
10	Whereas:	Whereas:	Whereas:	Whereas: Text Origin: Commission

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				Proposal
Recital 1				
11	(1) Directive (EU) 2015/849 of the European Parliament and of the Council¹ constitutes the main legal instrument for the prevention of the use of the Union financial system for the purposes of money laundering and terrorist financing. That Directive sets out a comprehensive legal framework, which Directive (EU) 2018/843 of the European Parliament and the Council² further strengthened by addressing emerging risks and increasing transparency of beneficial ownership. Notwithstanding its achievements, experience has shown that Directive (EU) 2015/849 should be further improved to adequately mitigate risks and to effectively detect criminal attempts to misuse the Union financial system for criminal purposes. 1. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).	(1) Directive (EU) 2015/849 of the European Parliament and of the Council¹ constitutes the main legal instrument for the prevention of the use of the Union financial system for the purposes of money laundering and terrorist financing. That Directive sets out a comprehensive legal framework, which Directive (EU) 2018/843 of the European Parliament and the Council² further strengthened by addressing emerging risks and increasing transparency of beneficial ownership. Notwithstanding its achievements, experience has shown that Directive (EU) 2015/849 should be further improved to adequately mitigate risks and to effectively detect criminal attempts to misuse the Union financial system for criminal purposes. 1. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).	(1) Directive (EU) 2015/849 of the European Parliament and of the Council¹ constitutes the main legal instrument for the prevention of the use of the Union financial system for the purposes of money laundering and terrorist financing. That Directive sets out a comprehensive legal framework, which Directive (EU) 2018/843 of the European Parliament and the Council² further strengthened by addressing emerging risks and increasing transparency of beneficial ownership. Notwithstanding its achievements, experience has shown that Directive (EU) 2015/849 should be further improved to adequately mitigate risks and to effectively detect criminal attempts to misuse the Union financial system for criminal purposes <u>and to further the integrity of the internal market.</u> 1. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L	

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	2. Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (OJ L 156, 19.6.2018, p. 43).	2. Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (OJ L 156, 19.6.2018, p. 43).	141, 5.6.2015, p. 73). 2. Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (OJ L 156, 19.6.2018, p. 43).	
Recital 2				
12	(2) Since the entry into force of Directive (EU) 2015/849, a number of areas have been identified where amendments would be needed to ensure the necessary resilience and capacity of the Union financial system to prevent money laundering and terrorist financing.	(2) Since the entry into force of Directive (EU) 2015/849, a number of areas have been identified where amendments would be needed to ensure the necessary resilience and capacity of the Union financial system to prevent money laundering and terrorist financing.	(2) Since the entry into force of Directive (EU) 2015/849, a number of areas have been identified where amendments would be needed to ensure the necessary resilience and capacity of the Union financial system to prevent money laundering and terrorist financing.	(2) Since the entry into force of Directive (EU) 2015/849, a number of areas have been identified where amendments would be needed to ensure the necessary resilience and capacity of the Union financial system to prevent money laundering and terrorist financing. Text Origin: Commission Proposal
Recital 3				
13	(3) Significant variations in practices and approaches by competent authorities across the Union, as well as the lack of sufficiently effective arrangements for cross-border cooperation were identified in the implementation of Directive (EU) 2015/849. It is therefore appropriate to define clearer requirements, which should contribute to smooth cooperation	(3) Significant variations in practices and approaches by competent authorities across the Union, as well as the lack of sufficiently effective arrangements for cross-border cooperation were identified in the implementation of Directive (EU) 2015/849. It is therefore appropriate to define clearer requirements, which should contribute to smooth cooperation	(3) Significant variations in practices and approaches by competent authorities across the Union, as well as the lack of sufficiently effective arrangements for cross-border cooperation were identified in the implementation of Directive (EU) 2015/849. It is therefore appropriate to define clearer requirements, which should contribute to smooth cooperation	(3) Significant variations in practices and approaches by competent authorities across the Union, as well as the lack of sufficiently effective arrangements for cross-border cooperation were identified in the implementation of Directive (EU) 2015/849. It is therefore appropriate to define clearer requirements, which should contribute to smooth cooperation

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	across the Union whilst allowing Member States to take into account the specificities of their national systems.	across the Union whilst allowing Member States to take into account the specificities of their national systems.	across the Union whilst allowing Member States to take into account the specificities of their national systems.	across the Union whilst allowing Member States to take into account the specificities of their national systems. Text Origin: Commission Proposal
Recital 4				
14	(4) This new instrument is part of a comprehensive package aiming at strengthening the Union's AML/CFT framework. Together, this instrument, Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], Regulation [please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final] and Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final] will form the legal framework governing the AML/CFT requirements to be met by obliged entities and underpinning the Union's AML/CFT institutional framework, including the establishment of an Authority for anti-money laundering and countering the financing of terrorism ('AMLA').	(4) This new instrument is part of a comprehensive package aiming at strengthening the Union's AML/CFT framework. Together, this instrument, Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ , Regulation <u>[please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final]</u> ~~[please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final]~~ and Regulation <u>[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]</u> ~~[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]~~ will form the	(4) This new instrument is part of a comprehensive package aiming at strengthening the Union's AML/CFT framework. Together, this instrument, Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], Regulation [please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final] and Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final] will form the legal framework governing the AML/CFT requirements to be met by obliged entities and underpinning the Union's AML/CFT institutional framework, including the establishment of an Authority for anti-money laundering and countering the financing of terrorism ('AMLA').	

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		legal framework governing the AML/CFT requirements to be met by obliged entities and underpinning the Union's AML/CFT institutional framework, including the establishment of an Authority for anti-money laundering and countering the financing of terrorism ('AMLA').		
Recital 5				
15	(5) Money laundering and terrorist financing are frequently carried out in an international context. Measures adopted at Union level, without taking into account international coordination and cooperation, would have very limited effect. The measures adopted by the Union in that field should therefore be compatible with, and at least as stringent as, other actions undertaken at international level. Union action should continue to take particular account of the Financial Action Task Force (FATF) Recommendations and instruments of other international bodies active in the fight against money laundering and terrorist financing. With a view to reinforcing the efficacy of the fight against money laundering and terrorist financing, the relevant Union legal acts should, where appropriate, be aligned with	(5) Money laundering and terrorist financing are frequently carried out in an international context. Measures adopted at Union level, without taking into account international coordination and cooperation, would have very limited effect. The measures adopted by the Union in that field should therefore be compatible with, and at least as stringent as, other actions undertaken at international level. Union action should continue to take particular account of the Financial Action Task Force (FATF) Recommendations and instruments of other international bodies active in the fight against money laundering and terrorist financing. With a view to reinforcing the efficacy of the fight against money laundering and terrorist financing, the relevant Union legal acts should, where appropriate, be aligned with	(5) Money laundering and terrorist financing are frequently carried out in an international context. Measures adopted at Union level, without taking into account international coordination and cooperation, would have very limited effect. The measures adopted by the Union in that field should therefore be compatible with, and at least as stringent as, other actions undertaken at international level. Union action should continue to take particular account of the Financial Action Task Force (FATF) Recommendations and instruments of other international bodies active in the fight against money laundering and terrorist financing. With a view to reinforcing the efficacy of the fight against money laundering and terrorist financing, the relevant Union legal acts should, where appropriate, be aligned with	(5) Money laundering and terrorist financing are frequently carried out in an international context. Measures adopted at Union level, without taking into account international coordination and cooperation, would have very limited effect. The measures adopted by the Union in that field should therefore be compatible with, and at least as stringent as, other actions undertaken at international level. Union action should continue to take particular account of the Financial Action Task Force (FATF) Recommendations and instruments of other international bodies active in the fight against money laundering and terrorist financing. With a view to reinforcing the efficacy of the fight against money laundering and terrorist financing, the relevant Union legal acts should, where appropriate, be aligned with

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	the International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation adopted by the FATF in February 2012 (the 'revised FATF Recommendations') and the subsequent amendments to those standards.	the International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation adopted by the FATF in February 2012 (the 'revised FATF Recommendations') and the subsequent amendments to those standards.	the International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation adopted by the FATF in February 2012 (the 'revised FATF Recommendations') and the subsequent amendments to those standards.	the International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation adopted by the FATF in February 2012 (the 'revised FATF Recommendations') and the subsequent amendments to those standards. Text Origin: Commission Proposal
Recital 6				
16	(6) Specific money laundering and terrorist financing threats, risks and vulnerabilities affecting certain economic sectors at national level diminish in distinct manners Member States ability to contribute to the integrity and soundness of the Union financial system. As such, it is appropriate to allow Member States, upon identification of such sectors and specific risks to decide to apply AML/CFT requirements to additional sectors than those covered by Regulation [please insert reference – proposal for Anti-Money Laundering Regulation]. With a view to preserving the effectiveness of the internal market and the Union AML/CFT system, the Commission should be able, with the support of AMLA, to assess whether the intended decisions of the Member	(6) Specific money laundering and terrorist financing threats, risks and vulnerabilities affecting certain economic sectors at national level diminish in distinct manners Member States ability to contribute to the integrity and soundness of the Union financial system. As such, it is appropriate to allow Member States, upon identification of such sectors and specific risks to decide to apply AML/CFT requirements to additional sectors than those covered by Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] ~~[please insert reference – proposal for Anti-Money Laundering Regulation]~~ . With a view to preserving the effectiveness of the internal market and the Union AML/CFT system, the Commission	(6) Specific money laundering and terrorist financing threats, risks and vulnerabilities affecting certain economic sectors at national level diminish in distinct manners Member States ability to contribute to the integrity and soundness of the Union financial system. As such, it is appropriate to allow Member States, upon identification of such sectors and specific risks to ~~decide to~~ apply AML/CFT requirements to additional sectors than those covered by Regulation [please insert reference – proposal for Anti-Money Laundering Regulation]. With a view to preserving the effectiveness of the internal market and the Union AML/CFT system, the Commission should be able, with the support of AMLA, to assess whether the ~~intended~~ decisions of the Member	

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	States to apply AML/CFT requirements to additional sectors are justified. In cases where the best interests of the Union would be achieved at Union level as regards specific sectors, the Commission should inform that Member State that it intends to take action at Union level instead and the Member State should abstain from taking the intended national measures.	should be able, with the support of AMLA, to assess whether the intended decisions of the Member States to apply AML/CFT requirements to additional sectors are justified. In cases where the best interests of the Union would be achieved at Union level as regards specific sectors, the Commission should inform that Member State that it intends to take action at Union level instead and the Member State should abstain from taking the intended national measures.	States to apply AML/CFT requirements to additional sectors are justified. In cases where the best interests of the Union would be achieved at Union level as regards specific sectors, the Commission should inform that Member State that it intends to take action at Union level instead and the Member State should abstain from taking the intended national measures.	
Recital 6a				
16a			<u>(6a) With a view to protecting the Union's financial system it is essential that applicants entering into regulated professions that are obliged entities have a good understanding of the risks of money laundering and terrorist financing in their sector of activity. Therefore, Member States should ensure that licensing procedures and entry requirements under national law to regulated professions that are obliged entities as referred to in Regulation ... [please insert reference to Anti-Money Laundering Regulation - 2021/0239(COD)] require applicants to demonstrate a good understanding of the risks of money</u>	

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			<u>laundrying and terrorism financing in their sector of activity. AML/CFT training, provided either by obliged entities or by supervisors, should be accessible to such applicants.</u>	
Recital 6a				
16b				<u>(6a) Certain categories of obliged entities are subject to licensing or regulatory requirements for the provision of their services, whereas for other categories of operators access to the profession is not regulated. Regardless of the framework that applies to the exercise of the profession or activity, all obliged entities act as gatekeepers of the Union's financial system and must develop specific AML/CFT skills to fulfil this task. To this end, Member States should consider providing trainings to person wishing to enter those professions to enable them to perform their duties. To this end, Member States could consider, for example, including AML/CFT courses in the academic offer linked to those professions or cooperating with professional associations to train newcomers to the profession.</u> TM9 of 06092023 based on EC compromise

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				proposal text
Recital 7				
17	(7) In light of the specific anti-money laundering vulnerabilities that have been witnessed in the electronic money issuing, the payment services and the crypto-assets service providing industry, it should be possible for Member States to require that those providers established on their territory in forms other than a branch and the head office of which is situated in another Member State appoint a central contact point. Such a central contact point, acting on behalf of the appointing institution, should ensure the establishments' compliance with AML/CFT rules.	(7) In light of the specific anti-money laundering vulnerabilities that have been witnessed in the electronic money issuing, the payment services and the crypto-assets service providing industry, it should be possible for Member States to require that those providers ~~established on their territory in forms other than a branch~~ <u>that have agents or distributors on their territory</u> and the head office of which is situated in another Member State appoint a central contact point. Such a central contact point, acting on behalf of the appointing institution, should ensure ~~the establishments'~~ <u>its</u> compliance with AML/CFT rules.	(7) In light of ~~the specific~~ anti-money laundering vulnerabilities ~~that have been witnessed in~~ <u>related to</u> the electronic money issuing, the payment services and the crypto-assets service providing industry, it should be possible for Member States to require that those providers established on their territory in forms other than a branch and the head office of which is situated in another Member State appoint a central contact point. Such a central contact point, acting on behalf of the appointing institution, should ensure the establishments' compliance with AML/CFT rules.	
Recital 8				
18	(8) Supervisors should ensure that, with regard to currency exchange offices, cheque cashing offices, trust or company service providers or gambling service providers, the persons who effectively manage the business of such entities and the beneficial owners of such entities act with honesty and integrity and	(8) Supervisors should ensure that, with regard to currency exchange offices, cheque cashing offices, trust or company service providers or gambling service providers, the persons who effectively manage the business of such entities and the beneficial owners of such entities act with honesty and integrity and	(8) Supervisors should ensure that, with regard to currency exchange offices, cheque cashing offices, trust or company service providers or gambling service providers, the persons who effectively manage the business of such entities and the beneficial owners of such entities <u>are of good repute and</u> act with	

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	possess knowledge and expertise necessary to carry out their functions. The criteria for determining whether or not a person complies with those requirements should, as a minimum, reflect the need to protect such entities from being misused by their managers or beneficial owners for criminal purposes.	possess knowledge and expertise necessary to carry out their functions. The criteria for determining whether or not a person complies with those requirements should, as a minimum, reflect the need to protect such entities from being misused by their managers or beneficial owners for criminal purposes.	honesty, <u>good faith</u> and integrity and possess <u>proven</u> knowledge and expertise necessary to carry out their functions. The criteria for determining whether or not a person complies with those requirements should, as a minimum, reflect the need to protect such entities from being misused by their managers or beneficial owners for criminal purposes. <u>AMLA should issue guidelines for the purposes of fostering a common understanding of the elements which supervisors are to take into account in order to determine whether senior management is of good repute, acts with honesty and integrity and possesses the necessary knowledge and expertise.</u>	
Recital 8a				
18a			<u>(8a) Member States should ensure that estate agents as referred to in Regulation [please insert reference to Anti-Money Laundering Regulation - 2021/0239(COD)] develop or have in place training programmes for professionals. Such training programmes could be facilitated or provided by professional associations representing agents and the real estate sector. The nature and extent of training should be tailored to the</u>	

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			<u>scale and complexity of the business and be appropriate to the level of the risk of money laundering and terrorist financing faced by the obliged entity.</u>	
Recital 9				
19	(9) For the purposes of assessing the appropriateness of persons holding a management function in, or otherwise controlling, obliged entities, any exchange of information about criminal convictions should be carried out in accordance with Council Framework Decision 2009/315/JHA¹ and Council Decision 2009/316/JHA². 1. Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA (OJ L 93, 7.4. 2009, p. 33). 2. Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States (OJ L 93, 7.4. 2009, p. 23).	(9) For the purposes of assessing the appropriateness of persons holding a management function in, or otherwise controlling, obliged entities, any exchange of information about criminal convictions should be carried out in accordance with Council Framework Decision 2009/315/JHA¹ and Council Decision 2009/316/JHA². 1. Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA (OJ L 93, 7.4. 2009, p. 33). 2. Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States (OJ L 93, 7.4. 2009, p. 23).	(9) For the purposes of assessing the appropriateness of persons holding a management function in, or otherwise controlling, obliged entities, any exchange of information about criminal convictions should be carried out in accordance with Council Framework Decision 2009/315/JHA¹ and Council Decision 2009/316/JHA². 1. Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA (OJ L 93, 7.4. 2009, p. 33). 2. Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States (OJ L 93, 7.4. 2009, p. 23).	(9) For the purposes of assessing the appropriateness of persons holding a management function in, or otherwise controlling, obliged entities, any exchange of information about criminal convictions should be carried out in accordance with Council Framework Decision 2009/315/JHA¹ and Council Decision 2009/316/JHA². 1. Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA (OJ L 93, 7.4. 2009, p. 33). 2. Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States (OJ L 93, 7.4. 2009, p. 23). EC proposal: adding the following sentence in recital 9 to cater for line 160 "In addition, supervisors should be able to access all information necessary to

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				verify the knowledge and expertise of the senior management, as well as their honesty and integrity and that of the obliged entity's beneficial owners, including information available through reliable and independent sources." Text Origin: Commission Proposal TM17 of 17102023
Recital 10				
20	(10) The Commission is well placed to review specific cross-border threats that could affect the internal market and that cannot be identified and effectively combatted by individual Member States. It should therefore be entrusted with the responsibility for coordinating the assessment of risks relating to cross-border activities. Involvement of the relevant experts, such as the Expert Group on Money Laundering and Terrorist Financing and the representatives from the FIUs, as well as, where appropriate, from other Union-level bodies, is essential for the effectiveness of the process of the assessment of risks. National risk assessments and experience are also an important source of information for that process. Such assessment of the cross-border risks by the Commission should not involve the processing of personal	(10) The Commission is well placed to review specific cross-border threats that could affect the internal market and that cannot be identified and effectively combatted by individual Member States. It should therefore be entrusted with the responsibility for coordinating the assessment of risks relating to cross-border activities. Involvement of the relevant experts, such as the Expert Group on Money Laundering and Terrorist Financing and the representatives from the FIUs <u>and AMLA</u>, as well as, where appropriate, from other Union-level bodies, is essential for the effectiveness of the process of the assessment of risks. National risk assessments and experience are also an important source of information for that process. Such assessment of the cross-border risks by the Commission should not involve the	(10) The Commission is well placed to review specific cross-border threats that could affect the internal market and that cannot be identified and effectively combatted by individual Member States. It should therefore be entrusted with the responsibility for coordinating the assessment of risks relating to cross-border activities. Involvement of the relevant experts, such as the Expert Group on Money Laundering and Terrorist Financing and the representatives from the FIUs, as well as, where appropriate, from other Union-level bodies, is essential for the effectiveness of the process of the assessment of risks. <u>Ongoing</u> national risk assessments and experience are also an important source of information for that process. Such assessment of the cross-border risks by the Commission should not involve the	

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	data. In any event, data should be fully anonymised. National and Union data protection supervisory authorities should be involved only if the assessment of the risk of money laundering and terrorist financing has an impact on the privacy and data protection of individuals.	processing of personal data. In any event, data should be fully anonymised. National and Union data protection supervisory authorities should be involved only if the assessment of the risk of money laundering and terrorist financing has an impact on the privacy and data protection of individuals.	processing of personal data. In any event, data should be fully anonymised. National and Union data protection supervisory authorities should be involved only if the assessment of the risk of money laundering and terrorist financing has an impact on the privacy and data protection of individuals.	
Recital 11				
21	(11) The findings of the risk assessment at Union level can assist competent authorities and obliged entities in the identification, understanding, management and mitigation of the risk of money laundering and terrorist financing, as well as of risks of non-application and evasion of targeted financial sanctions. It is therefore important that the findings of the risk assessment are made public.	(11) The findings of the risk assessment at Union level can assist competent authorities and obliged entities in the identification, understanding, management and mitigation of the risk of money laundering and terrorist financing, as well as of risks of non-application and evasion of targeted financial sanctions. It is therefore important that the findings of the risk assessment are made public.	(11) The findings of the risk assessment at Union level can assist competent authorities and obliged entities in the identification, understanding, management and mitigation of the risk of money laundering and terrorist financing, as well as of risks of non-application and evasion of targeted financial sanctions. It is therefore important that the findings of the risk assessment are made public.	(11) The findings of the risk assessment at Union level can assist competent authorities and obliged entities in the identification, understanding, management and mitigation of the risk of money laundering and terrorist financing, as well as of risks of non-application and evasion of targeted financial sanctions. It is therefore important that the findings of the risk assessment are made public. Text Origin: Commission Proposal
Recital 12				
22	(12) The Member States remain the best placed to identify, assess, understand and decide how to mitigate risks of money laundering	(12) The Member States remain the best placed to identify, assess, understand and decide how to mitigate risks of money laundering	(12) ~~The~~ Member States remain the best placed to identify, assess, understand and decide how to mitigate risks of money laundering	(12) The Member States remain the best placed to identify, assess, understand and decide how to mitigate risks of money laundering

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	and terrorist financing affecting them directly. Therefore, each Member State should take the appropriate steps in an effort to properly identify, assess and understand its money laundering and terrorist financing risks, as well as risks of non-implementation and evasion of targeted financial sanctions and to define a coherent national strategy to put in place actions to mitigate those risks. Such national risk assessment should be updated regularly and should include a description of the institutional structure and broad procedures of the Member State's AML/CFT regime, as well as the allocated human and financial resources to the extent that this information is available.	and terrorist financing affecting them directly. Therefore, each Member State should take the appropriate steps in an effort to properly identify, assess and understand its money laundering and terrorist financing risks, as well as risks of non-implementation and evasion of targeted financial sanctions and to define a coherent national strategy to put in place actions to mitigate those risks. Such national risk assessment should be updated regularly and should include a description of the institutional structure and broad procedures of the Member State's AML/CFT regime, as well as the allocated human and financial resources to the extent that this information is available.	and terrorist financing, <u>and how to fight money laundering and terrorist financing</u> affecting them directly. Therefore, each Member State should take the appropriate steps ~~in an effort~~ to properly ~~identify~~ <u>identify</u>, assess and understand its money laundering and terrorist financing risks <u>on an ongoing basis</u>, as well as risks of non-implementation and evasion of targeted financial sanctions and to define a coherent national strategy to put in place actions to mitigate those risks. Such national risk assessment should be updated regularly and should include a description of the institutional structure and broad procedures of the Member State's AML/CFT regime, as well as the allocated human and financial resources. <u>National risk assessments should be kept up to date and should be reviewed at least every three years. Based on the identification of country-specific risks and for justified reason, the Commission should be able to require that Member States review their risk assessment earlier in order to reduce the risk of money laundering and terrorist financing in the Union</u> ~~to the extent that this information is available.~~	and terrorist financing affecting them directly. Therefore, each Member State should take the appropriate steps in an effort to properly identify, assess and understand its money laundering and terrorist financing risks, as well as risks of non-implementation and evasion of targeted financial sanctions and to define a coherent national strategy to put in place actions to mitigate those risks. Such national risk assessment ~~should be updated regularly and~~ should include a description of the institutional structure and broad procedures of the Member State's AML/CFT regime, as well as the allocated human and financial resources to the extent that this information is available. <u>In order to maintain an ongoing understanding of risks, Member States should regularly update their national risk assessment, and may also supplement it with targeted updates and assessments of risks associated with specific sectors, products or services.</u> Based on EC compromise text proposal of 16/07/2023 TM17 of 17/10/2023
Recital 12a				

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22a			<u>(12a) Member States should make a summary of the results of their risk assessment publicly available. Such a summary should not contain classified information. The information contained in such a summary should not name any natural or legal person. In specific circumstances, Member States might need to refer to prominent money laundering cases, relevant information from leaks or other major suspicions of money laundering or terrorist financing that were widely reported in the media. It is accepted that in such cases it might not be possible to avoid the identification of certain natural or legal persons or that their identity can be inferred from the factual information.</u>	
Recital 13				
23	(13) The results of risk assessments should, where appropriate, be made available to obliged entities in a timely manner to enable them to identify, understand, manage and mitigate their own risks.	(13) The results of risk assessments should, where appropriate, be made available to obliged entities in a timely manner to enable them to identify, understand, manage and mitigate their own risks.	(13) The results of risk assessments should, ~~where appropriate~~ , be made available to obliged entities in a timely <u>and appropriate</u> manner to enable them to identify, understand, manage and mitigate their own risks.	
Recital 14				
24	(14) In addition, to identify,	(14) In addition, to identify,	(14) In addition, to identify,	

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	understand, manage and mitigate risks at Union level to an even greater degree, Member States should make available the results of their risk assessments to each other, to the Commission and to AMLA.	understand, manage and mitigate risks at Union level to an even greater degree, Member States should make available the results of their risk assessments to each other, to the Commission and to AMLA.	understand, manage and mitigate risks at Union level to an even greater degree, Member States should make available the results of their risk assessments to each other, to the Commission and to AMLA. <u>In order to respect privacy and protect personal data, the results of risk assessments should only be made available to the extent that the data provided is the minimum level of data necessary for the carrying out of AML/CFT duties.</u>	

Recital 14a

24a				<u>(14a) In order to effectively mitigate the risks identified in the national risk assessment, Member States should ensure consistent action at national level, whether by appointing an authority to coordinate the national response, or by establishing a mechanism to that end. Irrespective of the approach chosen, Member States should ensure that the authority or mechanism has sufficient powers and resources to perform this task effectively and ensure adequate responses to the identified risks.</u> based on EC compromise text of 16/07/2023 TM17 of 17.10.2023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Recital 15				
25	(15) To be able to review the effectiveness of their systems for combating money laundering and terrorist financing, Member States should maintain, and improve the quality of, relevant statistics. With a view to enhancing the quality and consistency of the statistical data collected at Union level, the Commission and the AMLA should keep track of the Union-wide situation with respect to the fight against money laundering and terrorist financing and should publish regular overviews.	(15) To be able to review the effectiveness of their systems for combating money laundering and terrorist financing, Member States should maintain, and improve the quality of, relevant statistics. With a view to enhancing the quality and consistency of the statistical data collected at Union level, the Commission and the AMLA should keep track of the Union-wide situation with respect to the fight against money laundering and terrorist financing and should publish regular overviews.	(15) To be able to review the effectiveness of their systems for combating money laundering and terrorist financing, Member States should maintain, and improve the quality of, relevant statistics. With a view to enhancing the quality and consistency of the statistical data collected at Union level, the Commission and the AMLA should keep track of the Union-wide situation with respect to the fight against money laundering and terrorist financing and should publish regular overviews. <u>The Commission should adopt implementing acts laying down the methodology for the collection of statistics and the arrangements for transmission of such statistics to the Commission and AMLA.</u>	
Recital 16				
26	(16) The FATF has developed standards for jurisdictions to identify, and assess the risks of potential non-implementation or evasion of the proliferation financing-related targeted financial sanctions, and to take action to mitigate those risks. Those new	(16) The FATF has developed standards for jurisdictions to identify, and assess the risks of potential <u>breach</u> , non-implementation or evasion of the proliferation financing-related targeted financial sanctions, and to take action to mitigate those risks.	(16) The FATF has developed standards for jurisdictions to identify, and assess the risks of potential non-implementation or evasion of the proliferation financing-related targeted financial sanctions, and to take action to mitigate those risks. Those new	

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	standards introduced by the FATF do not substitute nor undermine the existing strict requirements for countries to implement targeted financial sanctions to comply with the relevant United Nations Security Council Regulations relating to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing. Those existing obligations, as implemented at Union level by Council Decisions 2010/413/CFSP¹ and (CFSP) 2016/849² as well as Council Regulations (EU) 267/2012³ and (EU) 2017/1509⁴, remain strict rule-based obligations binding on all natural and legal persons within the Union. 1. 2010/413/CFSP: Council Decision of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ L 195, 27.7.2010, p. 39). 2. Council Decision (CFSP) 2016/849 of 27 May 2016 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP (OJ L 141, 28.5.2016, p. 79). 3. Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 (OJ L 88, 24.3.2012, p. 1). 4. Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People's Republic of	Those new standards introduced by the FATF do not substitute nor undermine the existing strict requirements for countries to implement targeted financial sanctions to comply with the relevant United Nations Security Council Regulations relating to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing. Those existing obligations, as implemented at Union level by Council Decisions 2010/413/CFSP¹ and (CFSP) 2016/849² as well as Council Regulations (EU) 267/2012³ and (EU) 2017/1509⁴, remain strict rule-based obligations binding on all natural and legal persons within the Union. ~~1. 2010/413/CFSP: Council Decision of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ L 195, 27.7.2010, p. 39).~~ ~~2. Council Decision (CFSP) 2016/849 of 27 May 2016 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP (OJ L 141, 28.5.2016, p. 79).~~ ~~3. Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 (OJ L 88, 24.3.2012, p. 1).~~ ~~4. Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures~~	standards introduced by the FATF do not substitute nor undermine the existing strict requirements for countries to implement targeted financial sanctions to comply with the relevant United Nations Security Council Regulations relating to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing. Those existing obligations, as implemented at Union level by Council Decisions 2010/413/CFSP¹ and (CFSP) 2016/849² as well as Council Regulations (EU) 267/2012³ and (EU) 2017/1509⁴, remain strict rule-based obligations binding on all natural and legal persons within the Union. <u>Strict rule-based obligations should also apply with regard to terrorism and terrorism financing-related sanctions and other targeted financial sanctions adopted by the Union.</u> 1. 2010/413/CFSP: Council Decision of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ L 195, 27.7.2010, p. 39). 2. Council Decision (CFSP) 2016/849 of 27 May 2016 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP (OJ L 141, 28.5.2016, p. 79). 3. Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive	

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	Korea and repealing Regulation (EC) No 329/2007 (OJ L 224, 31.8.2017, p. 1).	~~against the Democratic People's Republic of Korea and repealing Regulation (EC) No 329/2007 (OJ L 224, 31.8.2017, p. 1).~~	measures against Iran and repealing Regulation (EU) No 961/2010 (OJ L 88, 24.3.2012, p. 1). 4. Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Regulation (EC) No 329/2007 (OJ L 224, 31.8.2017, p. 1).	
Recital 17				
27	(17) In order to reflect the latest developments at international level, a requirement has been introduced by this Directive to identify, understand, manage and mitigate risks of potential non-implementation or evasion of proliferation financing-related targeted financial sanctions at Union level and at Member State level.	(17) In order to reflect the latest developments at international level, <u>particularly the revised FATF recommendations</u> , a requirement has been introduced by this Directive to identify, understand, manage and mitigate risks of potential <u>breach</u> , non-implementation or evasion of proliferation financing-related targeted financial sanctions at Union level and at Member State level.	(17) In order to reflect the latest developments at international level, ~~a requirement has~~ <u>and ensure a comprehensive framework for implementing targeted financial sanctions, multiple requirements have</u> been introduced by this Directive to <u>prevent</u> , identify, understand, manage and mitigate risks of potential non-implementation or evasion of ~~proliferation financing-related targeted~~ financial sanctions at Union level and at Member State level.	
Recital 18				
28	(18) Central registers of beneficial ownership information are crucial in combating the misuse of legal entities. To ensure that the registers of beneficial ownership information are easily accessible and contain high-quality data, consistent rules on the collection and storing of this	(18) Central registers of beneficial ownership information are crucial in combating the misuse of <u>corporate and other</u> legal entities. To ensure that the registers of beneficial ownership information are easily accessible and contain high-quality data, consistent rules on ~~the~~	(18) Central registers of beneficial ownership information are crucial in combating the misuse of legal entities. <u>Therefore, Member States should ensure that the beneficial ownership information of legal entities and legal arrangements, information on nominee</u>	

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	information should be introduced.	~~collection and storing of this~~ <u>obtaining and holding beneficial ownership</u> information ~~and the registration hereof~~ should be introduced.	<u>arrangements and information on foreign legal entities and foreign legal arrangements are held in a central register.</u> To ensure that the registers of beneficial ownership information are easily accessible and contain high-quality data, consistent rules on the collection and storing of this information should be introduced. <u>Central registers should be accessible in a readily usable and machine readable format.</u>	
Recital 19				
29	(19) With a view to enhancing transparency in order to combat the misuse of legal entities, Member States should ensure that beneficial ownership information is stored in a central register located outside the company, in full compliance with Union law. Member States can, for that purpose, use a central database, which collects beneficial ownership information, or the business register, or another central register. Member States may decide that obliged entities are responsible for filling in the register. Member States should make sure that in all cases that information is made available to competent authorities and FIUs and is provided to obliged entities when they take customer due diligence measures.	(19) With a view to enhancing transparency in order to combat the misuse of <u>corporate and other</u> legal entities, Member States should ensure that beneficial ownership information is ~~stored~~ <u>registered</u> in a central register located outside the company, in full compliance with Union law. Member States can, for that purpose, use a central database, which collects beneficial ownership information, or the business register, or another central register. Member States may decide that obliged entities are responsible for ~~filling in~~ <u>providing certain information to</u> the register. Member States should make sure that in all cases that information is made available to competent authorities and FIUs and is provided to obliged entities when	(19) <u>With</u> a view to enhancing transparency in order to combat the misuse of legal entities, Member States should ensure that beneficial ownership information is stored in a central register located outside the company, in full compliance with Union law. Member States ~~can~~ <u>should</u> , for that purpose, use a central database, which collects beneficial ownership information, or the business register, or another central register. Member States may decide that obliged entities are responsible for filling in the register. Member States should make sure that in all cases that information is made available to competent authorities and FIUs and is provided to obliged entities when they take customer due diligence measures.	

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		they take customer due diligence measures.		
Recital 20				
30	(20) Beneficial ownership information of trusts and similar legal arrangements should be registered where the trustees and persons holding equivalent positions in similar legal arrangements are established or where they reside. In order to ensure the effective monitoring and registration of information on the beneficial ownership of trusts and similar legal arrangements, cooperation between Member States is also necessary. The interconnection of Member States' registries of beneficial owners of trusts and similar legal arrangements would make this information accessible, and would also ensure that the multiple registration of the same trusts and similar legal arrangements is avoided within the Union.	(20) Beneficial ownership information of <u>express</u> trusts and similar legal arrangements should be registered where the trustees and persons holding equivalent positions in similar legal arrangements are established or where they reside. In order to ensure the effective monitoring and registration of information on the beneficial ownership of <u>express</u> trusts and similar legal arrangements, cooperation between Member States is also necessary. The interconnection of Member States' registries of beneficial owners of <u>express</u> trusts and similar legal arrangements would make this information accessible, <u>subject to the parameters implemented under national law and in line with the Directive</u> , and would also ensure that the multiple registration of the same <u>express</u> trusts and similar legal arrangements is avoided within the Union.	(20) Beneficial ownership information of trusts and similar legal arrangements should be registered where the trustees and persons holding equivalent positions in similar legal arrangements are established or where they reside. In order to ensure the effective monitoring and registration of information on the beneficial ownership of trusts and similar legal arrangements, cooperation between Member States is also necessary. The interconnection of Member States' registries of beneficial owners of trusts and similar legal arrangements ~~would~~ <u>should</u> make this information accessible, and ~~would~~ <u>should</u> also ensure that the multiple registration of the same trusts and similar legal arrangements is avoided within the Union.	
Recital 21				
31	(21) Timely access to information	(21) Timely access to information	(21) Timely access to information	(21) Timely access to information

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	on beneficial ownership should be ensured in ways, which avoid any risk of tipping off the company concerned.	on beneficial ownership should be ensured in ways, which avoid any risk of tipping off the company concerned.	on beneficial ownership should be ensured in ways, which avoid any risk of tipping off the company concerned.	on beneficial ownership should be ensured in ways, which avoid any risk of tipping off the company concerned. Text Origin: Commission Proposal
Recital 22				
32	(22) The accuracy of data included in the beneficial ownership registers is fundamental for all of the relevant authorities and other persons allowed access to that data, and to make valid, lawful decisions based on that data. Therefore, where sufficient reasons arise, after careful analysis by the registrars, to doubt the accuracy of the beneficial ownership information held by the registers, legal entities and legal arrangements should be required to provide additional information on a risk-sensitive basis. In addition, it is important that Member States entrust the entity in charge of managing the registers with sufficient powers to verify beneficial ownership and the veracity of information provided to it, and to report any suspicion to their FIU. Such powers should extend to the conduct of inspections at the premises of the legal entities.	(22) The accuracy of data included in the beneficial ownership registers is fundamental for all of the relevant authorities and other persons allowed access to that data, and to make valid, lawful decisions based on that data. Therefore, ~~where sufficient reasons arise, after careful analysis by the registrars, to doubt the accuracy of the~~ <u>for the purpose of proper identification and verification of the recorded information legal entities and legal arrangements should be required to provide all necessary information and documents regarding</u> beneficial ownership, <u>nominee agreements or situations where there is no beneficial owner or where the beneficial owner(s) could not be identified and verified</u> ~~information held by the registers, legal entities and legal arrangements should be required to provide additional information on a risk-sensitive basis.~~ In addition, it is important that	(22) The accuracy of data included in the beneficial ownership registers is fundamental for all of the relevant authorities and other persons allowed access to that data, and to make valid, lawful decisions based on that data. Therefore, <u>Member States should ensure that entities in charge of the central registers verify, at the time of submission of the beneficial ownership information and on a regular basis thereafter, that that the information submitted is adequate, accurate and up to date. Member States should ensure that entities in charge of central registers have at their disposal state-of-the-art technology to carry out automated verifications in a manner that safeguards fundamental rights and avoids discriminatory outcomes.</u> <u>Furthermore,</u> where sufficient reasons arise, after careful analysis by the registrars, to doubt the accuracy of the beneficial ownership	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		Member States entrust the entity in charge of managing the registers with sufficient powers to verify beneficial ownership and the veracity of information provided to it, and to report any suspicion to their FIU. Such powers should extend to the conduct of inspections at the premises of the legal entities.	information held by the registers, legal entities and legal arrangements should be required to provide additional information on a risk-sensitive basis. In addition, it is important that Member States entrust the entity in charge of managing the registers with sufficient powers <u>and resources</u> to verify beneficial ownership and the veracity of information provided to it, and to report any suspicion to their FIU. Such powers should extend to the conduct of inspections at the premises of the legal entities <u>and, where applicable, to obliged entities, in accordance with national law. Similarly, such powers should extend to representatives of foreign legal persons and foreign legal arrangements in the Union, where there are such representatives.</u>	
Recital 22a				
32a			<u>(22a) Where a verification carried out at the time of submission of the beneficial ownership information leads an entity in charge of the register to conclude that there are inconsistencies or errors in that information , or where that information otherwise fails to fulfil the necessary requirements, Member States should ensure that</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>such entity is able to withhold and suspend the certification of registration until the beneficial owner information provided is in order. Where the inconsistencies are detected at a later stage, Member States should ensure that the legal consequences attached to the registration cannot follow.</u>	
Recital 22b				
32b			<u>(22b) Member States should ensure that, in the event of repeated failure to provide up-to-date, accurate and adequate information to the authorities in charge of the central registers, the relevant national authorities impose appropriate sanctions. Such sanctions should be able to include restrictions in the access to certain professions and in the exercise of certain functions within a corporate, legal entity or legal arrangement, restrictions in the establishment of a business relationship with an obliged entities, in the exercise of ownership rights of a corporate and legal entity or in the ability to receive dividends, and suspension or discontinuation of activities. The entity in charge of registers should notify the national authorities competent for imposing appropriate sanctions of the repeated failures.</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>In the event of repeated failures to provide up-to-date, accurate and adequate information, sanctions should be increased to the level necessary to ensure compliance.</u>	
Recital 22c				
32c			<u>(22c) Entities in charge of central registers should be operationally independent and autonomous and have the authority and capacity to carry out their functions free of political, governmental or industry influence or interference. Staff of such entities should be of high integrity and appropriately skilled and maintain high professional standards. Employees or managers of the central register who report breaches of the requirements under this Directive should be legally protected from being exposed to threats, retaliatory or hostile action and, in particular, adverse or discriminatory employment actions in accordance with Directive (EU) 2019/1937 of the European Parliament and of the Council^{1a}.</u> <u>^{1a} Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>breaches of Union law (OJ L 305, 26.11.2019, p. 17).</u>	
Recital 22d				
32d			<u>(22d) Peer reviews are an effective instrument to ensure that registers established in Member States fulfil the requirements of this Directive and to identify best practices and shortcomings. AMLA should therefore have a role in conducting peer reviews of some or all of the activities of the entities in charge of the central beneficial ownership registers with the purpose of assessing whether those entities have mechanisms to fulfil the requirements of this Directive and effectively check whether the beneficial ownership information held in those register is accurate, adequate and up to date.</u>	
Recital 22e				
32e			<u>(22e) Beneficial ownership registers are well placed to identify, in a rapid and efficient manner, the individuals who ultimately own or control legal entities and arrangements, including individuals designated in relation to targeted financial sanctions. Timely detection of such ownership</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>structures contributes to improving the understanding of the exposure to risks of evasion of targeted financial sanctions, and to the adoption of mitigating measures to reduce such risks. It is therefore important that such registers be required to screen the beneficial ownership information they hold against designations in relation to targeted financial sanctions, both immediately upon such designation and regularly thereafter, in order to detect whether changes in the ownership or control structure of the legal entity or arrangement are conducive to risks of evasion of targeted financial sanctions. Entities in charge of beneficial ownership registers should promptly share such findings with competent authorities, including FIUs and AML/CFT supervisors, for the purposes of ensuring compliance with targeted financial sanctions.</u>	
Recital 23				
33	(23) Moreover, the reporting of discrepancies between beneficial ownership information held in the central registers and beneficial ownership information available to obliged entities and, where applicable, competent authorities, is	(23) Moreover, the reporting of discrepancies between ~~beneficial ownership~~ information held in the central registers and ~~beneficial ownership~~ information available to obliged entities and, where applicable, competent authorities, is	(23) Moreover, the reporting of discrepancies between beneficial ownership information held in the central registers and beneficial ownership information available to obliged entities and, where applicable, competent authorities, is	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	an effective mechanism to verify the accuracy of the information. Any such discrepancy should be swiftly identified, reported and corrected.	an effective mechanism to verify the accuracy of the information. Any such discrepancy should be swiftly identified, reported and corrected <u>with due regard to data protection requirements and the applicable rules of confidentiality and secrecy.</u>	an effective mechanism to verify the accuracy of the information. Any such discrepancy should be swiftly identified, reported and corrected.	
Recital 24				
34	(24) In view of ensuring that the mechanism of discrepancy reporting is proportionate and focused on the detection of instances of inaccurate beneficial ownership information, Member States may allow obliged entities to request the customer to rectify discrepancies of a technical nature directly with the entity in charge of the central registers. Such option only applies to low-risk customers and to those errors of a technical nature, such as minor cases of misspelt information, where it is evident that those do not hinder the identification of the beneficial owner(s) and the accuracy of the information.	~~(24) In view of ensuring that the mechanism of discrepancy reporting is proportionate and focused on the detection of instances of inaccurate beneficial ownership information, Member States may allow obliged entities to request the customer to rectify discrepancies of a technical nature directly with the entity in charge of the central registers. Such option only applies to low-risk customers and to those errors of a technical nature, such as minor cases of misspelt information, where it is evident that those do not hinder the identification of the beneficial owner(s) and the accuracy of the information.~~ Deleted	(24) In view of ensuring that the mechanism of discrepancy reporting is proportionate and focused on the detection of instances of inaccurate beneficial ownership information, Member States ~~may~~ <u>should</u> allow obliged entities to request the customer to rectify discrepancies of a technical nature directly with the entity in charge of the central registers. Such option only applies to low-risk customers and to those errors of a technical nature, such as minor cases of misspelt information, where it is evident that those do not hinder the identification of the beneficial owner(s) and the accuracy of the information.	
Recital 25				
35	(25) Where the reporting of discrepancies by the FIUs and other competent authorities would jeopardise an on-going criminal	(25) Where the reporting of discrepancies by the FIUs and other competent authorities would jeopardise an <u>investigation of a</u>	(25) Where the reporting of discrepancies by the FIUs and other competent authorities would jeopardise an on-going criminal	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	investigation, the FIUs or other competent authorities should delay the reporting of the discrepancy until the moment at which the reasons for not reporting cease to exist. Furthermore, FIUs and competent authorities should not report any discrepancy when this would be contrary to any confidentiality provision of national law or would constitute a tipping-off offence.	<u>suspicious transaction or an</u> on-going criminal investigation, the FIUs or other competent authorities should delay the reporting of the discrepancy until the moment at which the reasons for not reporting cease to exist. Furthermore, FIUs and competent authorities should not report any discrepancy when this would be contrary to any confidentiality provision of national law or would constitute a tipping-off offence.	investigation, the FIUs or other competent authorities should delay the reporting of the discrepancy until the moment at which the reasons for not reporting cease to exist. Furthermore, FIUs and competent authorities should not report any discrepancy when this would be contrary to any confidentiality provision of national law or would constitute a tipping-off offence.	
Recital 26				
36	(26) To ensure a level playing field in the application of the concept of beneficial owner, it is of utmost importance that, across the Union, legal entities obtain benefit from uniform reporting channels and means. To that end, the format for the submission of beneficial ownership information to the relevant national registers should be uniform and offer guarantees of transparency and legal certainty.	(26) ~~To ensure a level playing field in the application of the concept of beneficial owner, it is of utmost importance that, across the Union, legal entities obtain benefit from uniform reporting channels and means. To that end, the format for the submission of beneficial ownership information to the relevant national registers should be uniform and offer guarantees of transparency and legal certainty.~~ Deleted	(26) To ensure a level playing field in the application of the concept of beneficial owner, it is of utmost importance that, across the Union, legal entities obtain benefit from uniform reporting channels and means. To that end, the format for the submission of beneficial ownership information to the relevant national registers should be uniform and offer guarantees of transparency and legal certainty.	
Recital 27				
37	(27) In order to ensure a level playing field among the different types of legal forms, trustees should	(27) In order to ensure a level playing field among the different types of legal forms, trustees should	(27) In order to ensure a level playing field among the different types of legal forms, trustees should	(27) In order to ensure a level playing field among the different types of legal forms, trustees should

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	also be required to obtain and hold beneficial ownership information and to communicate that information to a central register or a central database.	also be required to obtain and hold beneficial ownership information and to communicate that information to a central register or a central database.	also be required to obtain and hold beneficial ownership information and to communicate that information to a central register or a central database.	also be required to obtain and hold beneficial ownership information and to communicate that information to a central register or a central database. Text Origin: Commission Proposal
Recital 27a				
37a			<u>(27a) FIUs, other competent authorities, self-regulatory bodies and obliged entities should have prompt, unrestricted and free access to information on beneficial ownership through the European Central Platform for the purposes of combating money laundering and terrorism financing and carrying out due diligence.</u>	
Recital 27a				
37b		<u>(27a) It is essential that the information on beneficial ownership remains available through the national registers and through the system of interconnection of beneficial ownership registers for a minimum of five years after the grounds for registering beneficial ownership information of the trust or similar legal arrangement have ceased to</u>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u><i>exist. However, Member States should be able to provide by law for the processing of the information on beneficial ownership, including personal data for other purposes if such processing meets an objective of public interest and constitutes a necessary and proportionate measure in a democratic society to the legitimate aim pursued.</i></u>		
Recital 28				
38	(28) Public access to beneficial ownership information can allow greater scrutiny of information by civil society, including by the press or civil society organisations, and contributes to preserving trust in the integrity of the financial system. It can contribute to combating the misuse of corporate and other legal entities and legal arrangements for the purposes of money laundering or terrorist financing, both by helping investigations and through reputational effects, given that anyone who could enter into a business relationship is aware of the identity of the beneficial owners. It may also facilitate the timely and efficient availability of information for obliged entities as well as authorities of third countries involved in combating such offences. The access to that	(28) Public access to beneficial ownership information can allow greater scrutiny of information by civil society, including by the press or civil society organisations, and contributes to preserving trust in the integrity of the financial system. It can contribute to combating the misuse of corporate and other legal entities and legal arrangements for the purposes of money laundering or terrorist financing, ~~both by helping investigations and through reputational effects, given that anyone who could enter into a business relationship is aware of the identity of the beneficial owners. It may also facilitate the timely and efficient availability of information for obliged entities as well as authorities of third countries involved in combating such offences. The access to that information would~~	(28) ~~Public access to~~ <u>Registers of</u> beneficial ownership ~~information can allow greater scrutiny of information by civil society, including by the press or civil society organisations, and contributes to preserving trust in the integrity of the financial system. It can contribute to combating the misuse of corporate and other legal entities and legal arrangements for the purposes of~~ <u>are important tools for advancing the fight against</u> money laundering ~~or terrorist~~ <u>and terrorism</u> financing, ~~both by helping investigations and through reputational effects, given that anyone who could enter into a business relationship is aware of the identity of the beneficial owners. It may also facilitate the timely and efficient availability of information for obliged entities as well as~~	

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	information would also help investigations on money laundering, associated predicate offences and terrorist financing.	~~also help investigations on money laundering, associated predicate offences and terrorist financing.~~	~~authorities of third countries involved in combating such~~ <u>and corruption, tax abuse and other predicate</u> offences. The access to that information ~~would also help~~ <u>also helps</u> investigations on money laundering, associated predicate offences and terrorist financing.	
Recital 29				
39	(29) Confidence in financial markets from investors and the general public depends in large part on the existence of an accurate disclosure regime that provides transparency in the beneficial ownership and control structures of companies. This is particularly true for corporate governance systems that are characterised by concentrated ownership, such as the one in the Union. On the one hand, large investors with significant voting and cash-flow rights may encourage long-term growth and firm performance. On the other hand, however, controlling beneficial owners with large voting blocks may have incentives to divert corporate assets and opportunities for personal gain at the expense of minority investors. The potential increase in confidence in financial markets should be regarded as a positive side effect and not the	~~(29) Confidence in financial markets from investors and the general public depends in large part on the existence of an accurate disclosure regime that provides transparency in the beneficial ownership and control structures of companies. This is particularly true for corporate governance systems that are characterised by concentrated ownership, such as the one in the Union. On the one hand, large investors with significant voting and cash-flow rights may encourage long-term growth and firm performance. On the other hand, however, controlling beneficial owners with large voting blocks may have incentives to divert corporate assets and opportunities for personal gain at the expense of minority investors. The potential increase in confidence in financial markets should be regarded as a positive side effect and not the~~	~~(29) Confidence in financial markets from investors and the general public depends in large part on the existence of an accurate disclosure regime that provides transparency in the beneficial ownership and control structures of companies. This is particularly true for corporate governance systems that are characterised by concentrated ownership, such as the one in the Union. On the one hand, large investors with significant voting and cash-flow rights may encourage long-term growth and firm performance. On the other hand, however, controlling beneficial owners with large voting blocks may have incentives to divert corporate assets and opportunities for personal gain at the expense of minority investors. The potential increase in confidence in financial markets should be regarded as a positive side effect and not the~~	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	purpose of increasing transparency, which is to create an environment less likely to be used for the purposes of money laundering and terrorist financing.	~~purpose of increasing transparency, which is to create an environment less likely to be used for the purposes of money laundering and terrorist financing.~~ Deleted	~~purpose of increasing transparency, which is to create an environment less likely to be used for the purposes of money laundering and terrorist financing.~~	
Recital 30				
40	(30) Confidence in financial markets from investors and the general public depends in large part on the existence of an accurate disclosure regime that provides transparency in the beneficial ownership and control structures of corporate and other legal entities as well as certain types of trusts and similar legal arrangements. Member States should therefore allow access to beneficial ownership information in a sufficiently coherent and coordinated way, by establishing confidence rules of access by the public, so that third parties are able to ascertain, throughout the Union, who are the beneficial owners of corporate and other legal entities as well as, provided that there is a legitimate interest, of certain types of trusts and similar legal arrangements.	(30) ~~Confidence in financial markets from investors and the general public depends in large part on the existence of an accurate disclosure regime that provides transparency in the beneficial ownership and control structures of corporate and other legal entities as well as certain types of trusts and similar legal arrangements.~~ when the latter take customer due diligence measures. In addition, Member States should ~~therefore~~ allow access to beneficial ownership information in a sufficiently coherent and coordinated way, by establishing confidence rules of access by the public, so that third parties are able to ascertain, throughout the Union, who are the beneficial owners of corporate and other legal entities, as well as, <u>of express trusts and similar legal arrangements</u>	(30) ~~Confidence in financial markets from investors and the general public depends in large part on the existence of an accurate disclosure regime that provides transparency~~ In its judgment of 22 November 2022 in Case C-37/201 ^{1a} , the Court of Justice ruled that <u>persons connected with the prevention and combating of money laundering and terrorist financing are considered as having a legitimate interest in accessing the information on beneficial owners. Notably, the Court identified several categories of persons as having a legitimate interest in accessing such information, namely persons acting for the purpose of journalism, reporting or other form of expression in the</u> ~~beneficial ownership and control structures of media that are connected with the prevention and combating of money laundering, any of its associated predicate offences or terrorist financing; civil society organisations that are connected~~	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		provided that there is a legitimate interest, ~~of certain types of trusts and similar legal arrangements.~~	<u>with the prevention and combating of money laundering, any of its associated predicate offences or terrorist financing; persons who are likely to enter into transactions or business relationship with a corporate, legal entity or</u> ~~and other legal entities as well as certain types of trusts and similar legal arrangements.~~ <u>Member States arrangements; and financial institutions and authorities in so far as they are involved in the prevention and combat of money laundering, its predicate offences or terrorist financing and do not already have access pursuant to Article 11 of this Directive. Therefore, this Directive aims at defining a minimum and non-exhaustive list of persons that have a legitimate interest in accessing information on beneficial owners. Other categories of persons could also claim a legitimate interest based on grounds other than those listed in this Directive. While fully respecting the applicable case law of the Court of Justice, this Directive should ~~therefore allow~~ <u>be without prejudice to any Union or national law that provide for broader access to specific</u> beneficial ownership information in a sufficiently coherent and coordinated way, by establishing confidence rules of access</u>	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 36/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			~~by~~<u>information on the basis of different objectives of general interest or rights to information. For the purpose of assessing whether persons acting for the purpose of journalism, reporting or any other form of expression in the media have a legitimate interest, the concept of media should be interpreted broadly, to include any means of providing content accessible to the public, ~~so that third parties are able to ascertain, throughout the Union, who are the beneficial owners of corporate and other legal entities~~ in order to inform, entertain or educate, regardless of whether there is editorial responsibility of a traditional media service provider or not. Similarly, civil society organisations should include all forms of non-governmental organisations established under the law of a Member State or a third country, as well as local, national or international grassroots organisations and citizen associations which are not managed by state authorities. Determinations of, ~~provided that there is a~~ legitimate interest <u>should apply without any discrimination based on nationality, country of residence or country of establishment of the person making a request, including on the means</u></u>	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 37/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			~~of authentication, of certain types of trusts and similar legal arrangements.~~ <u>^{1a} Judgment of the Court of 22 November 2022, Luxembourg Business Registers, C-37/20, ECLI:EU:C:2022:912, paragraph 74,</u>	
Recital 31				
41	(31) With regard to corporate and other legal entities, a fair balance should be sought in particular between the general public interest in the prevention of money laundering and terrorist financing and the data subjects' fundamental rights. The set of data to be made available to the public should be limited, clearly and exhaustively defined, and should be of a general nature, so as to minimise the potential prejudice to the beneficial owners. At the same time, information made accessible to the public should not significantly differ from the data currently collected. In order to limit the interference with the right to respect for their private life in general and to protection of their personal data in particular, that information should relate essentially to the status of beneficial owners of corporate and other legal entities and	(31) ~~With regard to corporate and other legal entities,~~ A fair balance should be sought in particular between the general public interest in the prevention of money laundering and terrorist financing and the data subjects' fundamental rights. The set of data to be made available to the public, <u>provided that the legitimate interest can be demonstrated,</u> should be limited, clearly and exhaustively defined, and should be of a general nature, so as to minimise the potential prejudice to the beneficial owners. At the same time, information made accessible to the public should not significantly differ from the data currently collected. In order to limit the interference with the right to respect for their private life in general and to protection of their personal data in particular, that information should relate essentially	(31) With regard to corporate, <u>legal entities and</u> ~~and other legal entities~~ <u>arrangements,</u> a fair balance should be sought in particular between the general public interest in the prevention of money laundering, <u>its predicate offences</u> and terrorist financing and the data subjects' fundamental rights. The set of data to be made available to the ~~public~~ <u>persons having a legitimate interest</u> should be limited, clearly and exhaustively defined, and should be of a general nature, so as to minimise the potential prejudice to the beneficial owners. At the same time, information made accessible to the ~~public~~ <u>persons having a legitimate interest</u> should not significantly differ from the data currently collected. In order to limit the interference with the right to respect for their private life in general and to protection of their	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	should strictly concern the sphere of economic activity in which the beneficial owners operate. In cases where the senior managing official has been identified as the beneficial owner only ex officio and not through ownership interest held or control exercised by other means, this should be clearly visible in the registers.	to the status of beneficial owners of corporate and other legal entities and should strictly concern the sphere of economic activity in which the beneficial owners operate. ~~In cases Where the senior managing official has been identified as the beneficial owner only ex officio and not through ownership interest held or control exercised by other means, this should be clearly visible in the registers~~ <u>justified by the specific legitimate interest, Member States may allow third parties to access additional information, proportionate to their legitimate interest.</u>	personal data in particular, that information should relate essentially to the status of beneficial owners of corporate, <u>legal entities</u> and ~~other legal entities~~ <u>arrangements</u> and should strictly concern the sphere of economic activity in which the beneficial owners operate. In cases where the senior managing official has been identified as the beneficial owner only ex officio and not through ownership interest held or control exercised by other means, this should be clearly visible in the registers.	
Recital 32				
42	(32) In case of express trusts and similar legal arrangements, the information should be accessible to any member of the general public, provided that the legitimate interest can be demonstrated. This should include situations where natural or legal persons file a request in relation to a trust or similar legal arrangement which holds or owns a controlling interest in a legal entity incorporated or created outside the Union through direct or indirect ownership, including through bearer shareholding, or through control via other means. The interpretation of	(32) ~~In case of express trusts and similar legal arrangements,~~ The information should be accessible to any member of the general public, provided that the legitimate interest ~~can be demonstrated. This should include situations where natural or legal persons file a request in relation to a trust or similar legal arrangement which holds or owns a controlling interest in a legal entity incorporated or created outside the Union through direct or indirect ownership, including through bearer shareholding, or through control via other means~~ <u>with respect to money</u>	~~(32) In case of express trusts and similar legal arrangements, the information should be accessible to any member of the general public, provided that the legitimate interest can be demonstrated. This should include situations where natural or legal persons file a request in relation to a trust or similar legal arrangement which holds or owns a controlling interest in a legal entity incorporated or created outside the Union through direct or indirect ownership, including through bearer shareholding, or through control via other means. The interpretation of~~	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	the legitimate interest by the Member States should not restrict the concept of legitimate interest to cases of pending administrative or legal proceedings, and should enable to take into account the preventive work in the field of anti-money laundering and its predicate offences and counter-terrorist financing undertaken by non-governmental organisations and investigative journalists. While trusts and other legal arrangements can be used in complex corporate structures, their primary objective remains the management of individual wealth. In order to adequately balance the legitimate aim of preventing the use of the financial system for the purposes of money laundering or terrorist financing, which public scrutiny enhances, and the protection of fundamental rights of individuals, in particular the right to privacy and protection of personal data, it is necessary to provide for the demonstration of a legitimate interest in accessing beneficial ownership information of trusts and other legal arrangements.	<u>laundrying, associated predicate offences such as corruption, tax crimes and fraud, and terrorist financing can be demonstrated.</u> The interpretation of the legitimate interest by the Member States should not ~~restrict the concept of legitimate interest~~<u>be overly restrictive and should not limit it</u> to cases of pending administrative or legal proceedings,~~and should enable to.~~ <u>In interpreting the concept of legitimate interest, Member States should</u> take into account the preventive work in the field of anti-money laundering and its predicate offences and counter-terrorist financing undertaken by non-governmental organisations and investigative journalists. ~~While trusts and other legal arrangements can be used in complex corporate structures, their primary objective remains the management of individual wealth. In order to adequately balance the~~<u>In such instances, when the press and civil society organisations are connected with the prevention and combating of money laundering and terrorist financing, they should be deemed to have a</u> legitimate ~~aim of preventing the use of the financial system for the purposes of money laundering or terrorist financing, which public scrutiny enhances, and the protection of fundamental rights of~~	~~the legitimate interest by the Member States should not restrict the concept of legitimate interest to cases of pending administrative or legal proceedings, and should enable to take into account the preventive work in the field of anti-money laundering and its predicate offences and counter-terrorist financing undertaken by non-governmental organisations and investigative journalists. While trusts and other legal arrangements can be used in complex corporate structures, their primary objective remains the management of individual wealth. In order to adequately balance the legitimate aim of preventing the use of the financial system for the purposes of money laundering or terrorist financing, which public scrutiny enhances, and the protection of fundamental rights of individuals, in particular the right to privacy and protection of personal data, it is necessary to provide for the demonstration of a legitimate interest in accessing beneficial ownership information of trusts and other legal arrangements.~~	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<i>individuals, in particular the right to privacy and protection of personal data, it is necessary to provide</i> <u>interest in accessing information on beneficial ownership. The same should apply to persons who are likely to enter into an economic relationship or transactions with a company or other legal entity, or to the financial institutions and authorities, provided they are involved in activities relevant</u> for the <i>demonstration of a legitimate interest in accessing beneficial ownership information of trusts and other legal arrangements</i> <u>prevention or combat of money laundering, its predicate offences or terrorist financing and insofar as they do not already have access to the information.</u>		
Recital 33				
43	(33) In order to ensure that the information available to the public allows the correct identification of the beneficial owner, a minimum set of data should be accessible to the public. Such data should allow for the unequivocal identification of the beneficial owner, whilst minimising the amount of personal data publicly accessible. In the absence of information pertaining to the name,	(33) In order to ensure that the information ~~available to the public~~ allows the correct identification of the beneficial owner, a minimum set of data should be accessible to the public, <u>provided that the legitimate interest can be demonstrated</u>. Such data should allow for the unequivocal identification of the beneficial owner, whilst minimising the amount of personal data publicly	(33) In order to ensure that the information available to ~~the public~~ <u>persons having a legitimate interest</u> allows the correct identification of the beneficial owner, a minimum set of data should be accessible to ~~the public~~ <u>persons having a legitimate interest</u>. Such data should allow for the unequivocal identification of the beneficial owner, whilst minimising	

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	the month and year of birth and the country of residence and nationality of the beneficial owner, it would not be possible to establish unambiguously who the natural person being the beneficial owner is. Similarly, the absence of information on the beneficial interest held would make it impossible to determine why that natural person should be identified as being the beneficial owner. Therefore, in order to avoid misinterpretations of the beneficial ownership information publicly available and to ensure a proportionate disclosure of personal data consistent across the Union, it is appropriate to lay down the minimum set of data that can be accessed by the public.	accessible. In the absence of information pertaining to the name, the month and year of birth and the country of residence and nationality of the beneficial owner, it would not be possible to establish unambiguously who the natural person being the beneficial owner is. Similarly, the absence of information on the <u>nature of the beneficial interest held</u> <u>owner's position</u> would make it impossible to determine why that natural person should be identified as being the beneficial owner. Therefore, in order to avoid misinterpretations of the beneficial ownership information ~~publicly available~~ and to ensure a proportionate disclosure of personal data consistent across the Union, it is appropriate to lay down the minimum set of data that can be accessed by the public, <u>provided that the legitimate interest can be demonstrated</u>.	the amount of personal data ~~publicly~~ accessible. In the absence of information pertaining to the name, the month and year of birth and the country of residence and nationality of the beneficial owner, it would not be possible to establish unambiguously who the natural person being the beneficial owner is. Similarly, the absence of information on the <u>nature and extent of</u> beneficial interest held, <u>including information on ownership and control chain, as well as the date somebody became a beneficial owner</u>, would make it impossible to determine why that natural person should be identified as being the beneficial owner <u>at a given moment</u>. Therefore, in order to avoid misinterpretations of the beneficial ownership information ~~publicly~~ available and to ensure a proportionate disclosure of personal data consistent across the Union, it is appropriate to lay down the ~~minimum~~ set of data that can be accessed by ~~the public~~ <u>persons having a legitimate interest</u>.	
Recital 34				
44	(34) The enhanced public scrutiny may contribute to preventing the misuse of legal entities and legal arrangements, including tax	(34) ~~The enhanced public scrutiny may contribute to preventing the misuse of legal entities and legal arrangements, including tax~~	(34) ~~The enhanced public scrutiny may contribute to preventing the misuse of~~ <u>Competent authorities, obliged entities and persons having</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	avoidance. Therefore, it is essential that the information on beneficial ownership remains available through the national registers and through the system of interconnection of beneficial ownership registers for a minimum of five years after the grounds for registering beneficial ownership information of the trust or similar legal arrangement have ceased to exist. However, Member States should be able to provide by law for the processing of the information on beneficial ownership, including personal data for other purposes if such processing meets an objective of public interest and constitutes a necessary and proportionate measure in a democratic society to the legitimate aim pursued.	~~avoidance. Therefore, it is essential that the information on beneficial ownership remains available through the national registers and through the system of interconnection of beneficial ownership registers for a minimum of five years after the grounds for registering beneficial ownership information of the trust or similar legal arrangement have ceased to exist. However, Member States should be able to provide by law for the processing of the information on beneficial ownership, including personal data for other purposes if such processing meets an objective of public interest and constitutes a necessary and proportionate measure in a democratic society to the legitimate aim pursued.~~ Deleted	<u>a legitimate interest need to access information on the beneficial owners of corporate,</u> legal entities and legal arrangements <u>that have been struck off from registers. This is due to the fact that investigations, monitoring, analysis or research need sufficient time to detect, uncover and identify facts related to money laundering and terrorist financing cases. Money laundering schemes often involve corporate entities, legal entities and legal arrangements which are created for a short period to limit traceability. An immediate deletion of the data would create a loophole whereby criminals would strike off related corporate entities, legal entities or legal arrangements for the purpose of removing any trace of them for competent authorities, obliged entities and persons having a legitimate interest,</u> ~~including tax avoidance.~~ Therefore, it is essential that the information on beneficial ownership remains available through the national registers and through the system of interconnection of beneficial ownership registers for a minimum of five years <u>and up to ten years</u> after the grounds for registering beneficial ownership information of the trust or similar legal arrangement have ceased to exist. ~~However,~~ <u>Without prejudice to national law on evidence</u>	

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			<u>applicable to ongoing criminal investigations and legal proceedings, Member States should be able to allow or require the retention of such information or documents in concrete cases for a further maximum period of five years where the necessity and proportionality of such further retention have been established for the prevention, detection, investigation or prosecution of suspected money laundering, its predicate offences or terrorist financing.</u> Member States should be able to provide by law for the processing of the information on beneficial ownership, including personal data for other purposes if such processing meets an objective of public interest and constitutes a necessary and proportionate measure in a democratic society to the legitimate aim pursued.	
Recital 35				
45	(35) Moreover, with the aim of ensuring a proportionate and balanced approach and to guarantee the rights to private life and personal data protection, it should be possible for Member States to provide for exemptions to the disclosure of the personal information on the beneficial owner through the	(35) Moreover, with the aim of ensuring a proportionate and balanced approach and to guarantee the rights to private life and personal data protection, it should be possible for Member States to provide for exemptions to the disclosure of the personal information on the beneficial owner through the	(35) Moreover, with the aim of ensuring a proportionate and balanced approach and to guarantee the rights to private life and personal data protection, ~~it should be possible for~~ Member States ~~to~~<u>should</u> provide for exemptions to the disclosure of the personal information on the beneficial owner through the	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	registers of beneficial ownership information and to access to such information, in exceptional circumstances, where that information would expose the beneficial owner to a disproportionate risk of fraud, kidnapping, blackmail, extortion, harassment, violence or intimidation. It should also be possible for Member States to require online registration in order to identify any person who requests information from the register, as well as the payment of a fee for access to the information in the register.	registers of beneficial ownership information and to access to such information, in exceptional circumstances, where that information would expose the beneficial owner to a disproportionate risk of fraud, kidnapping, blackmail, extortion, harassment, violence or intimidation. It should also be possible for Member States to require online registration in order to identify any person who requests information from the register, as well as the payment of a fee for access to the information in the register.	registers of beneficial ownership information and to access to such information, in exceptional circumstances, where that information would expose the beneficial owner to a disproportionate risk of fraud, kidnapping, blackmail, extortion, harassment, violence or intimidation. <u>Such exemptions should be granted by competent authorities on a case-by-case basis and upon a detailed analysis of the nature of the exceptional circumstances in each case.</u> It should also be possible for Member States to require online registration in order to identify any person who requests information from the register, as well as the payment of a <u>proportionate and adequate</u> fee for access to the information in the register, <u>which should not exceed the direct costs of requesting or making the information available. Where the access to the register is provided online through electronic means, Member States should not require the payment of any fees since it is assumed that there is no direct cost of making the information available.</u>	
Recital 35a				
45a			<u>(35a) Currently, certain Member</u>	

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			<u>States require online registration in order to be able to identify any person who requests information from the register of beneficial ownership information, and the payment of a fee to obtain information from the register. Identification of users can be a legitimate requirement but it should not lead to discrimination based on their country of residence or nationality. Furthermore, requirements linked to registration or to fees can impede access to registers of beneficial ownership information. It is essential that Member States ensure access to beneficial ownership information without any restrictions based on geographical location or nationality.</u>	
Recital 36				
46	(36) Directive (EU) 2018/843 achieved the interconnection of Member States' central registers holding beneficial ownership information through the European Central Platform established by Directive (EU) 2017/1132 of the European Parliament and of the Council¹. Continued involvement of Member States in the functioning of the whole system should be ensured by means of a regular dialogue	(36) Directive (EU) 2018/843 achieved the interconnection of Member States' central registers holding beneficial ownership information through the European Central Platform established by Directive (EU) 2017/1132 of the European Parliament and of the Council¹. Continued involvement of Member States in the functioning of the whole system should be ensured by means of a regular dialogue	(36) Directive (EU) 2018/843 achieved the interconnection of Member States' central registers holding beneficial ownership information through the European Central Platform established by Directive (EU) 2017/1132 of the European Parliament and of the Council⁺³⁰. <u>It is essential that the European Central Platform serve as a central search service, making available all information related to</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	between the Commission and the representatives of Member States on the issues concerning the operation of the system and on its future development. 1. Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law (OJ L 169, 30.6.2017, p. 46).	between the Commission and the representatives of Member States on the issues concerning the operation of the system and on its future development. 1. Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law (OJ L 169, 30.6.2017, p. 46).	<u>beneficial ownership to competent authorities, self-regulatory bodies, obliged entities and persons having a legitimate interest.</u> Continued involvement of Member States in the functioning of the whole system should be ensured by means of a regular dialogue between the Commission and the representatives of Member States on the issues concerning the operation of the system and on its future development. <u>The European Parliament should be informed about the evolution of this dialogue.</u> ³⁰ <u>Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law (OJ L 169, 30.6.2017, p. 46).</u> ~~1. Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law (OJ L 169, 30.6.2017, p. 46).~~	
Recital 37				
47	(37) Through the interconnection of Member States' beneficial ownership registers, both national and cross-border access to information on the beneficial ownership of legal arrangements contained in each Member State's	(37) Through the interconnection of Member States' beneficial ownership registers, both national and cross-border access to information on the beneficial ownership of legal arrangements contained in each Member State's	(37) Through the interconnection of Member States' beneficial ownership registers, both national and cross-border access to information on the beneficial ownership of legal arrangements contained in each Member State's	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	register should be granted based on the definition of legitimate interest, by virtue of a decision taken by the relevant entity of that Member State. To avoid that decisions on limiting access to beneficial ownership information which are not justified cannot be reviewed, appeal mechanisms against such decisions should be established. With a view to ensuring coherent and efficient registration and information exchange, Member States should ensure that their entity in charge of the register cooperates with its counterparts in other Member States, sharing information concerning trusts and similar legal arrangements governed by the law of one Member State and administered in another Member State.	register should be granted based on the definition of legitimate interest, by virtue of a decision taken by the relevant entity of that Member State. To avoid that decisions on limiting access to beneficial ownership information which are not justified cannot be reviewed, appeal mechanisms against such decisions should be established. With a view to ensuring coherent and efficient registration and information exchange, Member States should ensure that their entity in charge of the register cooperates with its counterparts in other Member States; ~~sharing information concerning trusts and similar legal arrangements governed by the law of one Member State and administered in another Member State.~~	register should be granted based on the definition of legitimate interest, by virtue of a decision taken by the relevant entity of that Member State. To avoid that decisions on limiting access to beneficial ownership information which are not justified cannot be reviewed, appeal mechanisms against such decisions should be established. With a view to ensuring coherent and efficient registration and information exchange, Member States should ensure that their entity in charge of the register cooperates with its counterparts in other Member States, sharing information concerning trusts and similar legal arrangements governed by the law of one Member State and administered in another Member State.	
Recital 38				
48	(38) Regulation (EU) 2016/679 of the European Parliament and of the Council¹ applies to the processing of personal data for the purposes of this Directive. Natural persons whose personal data are held in national registers as beneficial owners should be informed about the applicable data protection rules. Furthermore, only personal data that is up to date and corresponds to the actual	(38) Regulation (EU) 2016/679 of the European Parliament and of the Council¹ applies to the processing of personal data for the purposes of this Directive. Natural persons whose personal data are held in national registers as beneficial owners should be informed about the applicable data protection rules. Furthermore, only personal data that is up to date and corresponds to the actual	(38) Regulation (EU) 2016/679 of the European Parliament and of the Council¹³¹ applies to the processing of personal data for the purposes of this Directive. Natural persons whose personal data are held in national registers as beneficial owners should be informed about the applicable data protection rules. Furthermore, <u>competent authorities, obliged entities and persons having</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	beneficial owners should be made available and the beneficiaries should be informed about their rights under the Union legal data protection framework and the procedures applicable for exercising those rights. In addition, to prevent the abuse of the information contained in the registers and to balance out the rights of beneficial owners, Member States might find it appropriate to consider making information relating to the requesting person along with the legal basis for their request available to the beneficial owner. 1. 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).	beneficial owners should be made available and the beneficiaries should be informed about their rights under the Union legal data protection framework and the procedures applicable for exercising those rights. In addition, to prevent the abuse of the information contained in the registers and to balance out the rights of beneficial owners, Member States might find it appropriate to consider making information relating to the requesting person along with the legal basis for their request available to the beneficial owner. 1. 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).	<u>a legitimate interest should be able to access the history of all beneficial owners in a given corporate entity, legal entity or legal arrangement in order to identify previous beneficial owners. Such information may be particularly necessary for monitoring, analysis and investigation related to money laundering, its predicate offences or terrorist financing.</u> Only personal data that is up to date and corresponds to the actual beneficial owners <u>at a given moment in time</u> should be made available and the beneficiaries should be informed about their rights under the Union legal data protection framework and the procedures applicable for exercising those rights. ~~In addition, to prevent the abuse~~ ³¹ <u>Regulation (EU) 2016/679</u> of the ~~information contained in the registers and to balance out the rights of beneficial owners, Member States might find it appropriate to consider making information relating to the requesting person along with the legal basis for their request available to the beneficial owner~~ <u>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</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</u> ~~1. 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).~~	
Recital 39				
49	(39) Delayed access to information by FIUs and other competent authorities on the identity of holders of bank and payment accounts and safe-deposit boxes, especially anonymous ones, hampers the detection of transfers of funds relating to money laundering and terrorist financing. National data allowing the identification of bank and payments accounts and safe-deposit boxes belonging to one person is fragmented and therefore not accessible to FIUs and to other competent authorities in a timely manner. It is therefore essential to establish centralised automated mechanisms, such as a register or data retrieval system, in all Member States as an efficient means to get timely access to information on the identity of holders of bank and	(39) Delayed access to information by FIUs and other competent authorities on the identity of holders of bank and payment accounts and safe-deposit boxes, especially anonymous ones, hampers the detection of transfers of funds relating to money laundering and terrorist financing. National data allowing the identification of bank and payments accounts and safe-deposit boxes belonging to one person is fragmented and therefore not accessible to FIUs and to other competent authorities in a timely manner. It is therefore essential to establish centralised automated mechanisms, such as a register or data retrieval system, in all Member States as an efficient means to get timely access to information on the identity of holders of bank and	(39) Delayed access to information by FIUs and other competent authorities on the identity of holders of bank, and payment <u>and securities,</u> accounts, <u>custodial crypto-asset wallets</u> and safe-deposit boxes, especially anonymous ones, hampers the detection of transfers of funds relating to money laundering and terrorist financing. National data allowing the identification of bank, and payments <u>and securities,</u> accounts, <u>custodial crypto-asset wallets</u> and safe-deposit boxes belonging to one person is fragmented and therefore not accessible to FIUs and to other competent authorities in a timely manner. It is therefore essential to establish centralised automated mechanisms, such as a register or data retrieval system, in all Member	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	payment accounts and safe-deposit boxes, their proxy holders, and their beneficial owners. When applying the access provisions, it is appropriate for pre-existing mechanisms to be used provided that national FIUs can access the data for which they make inquiries in an immediate and unfiltered manner. Member States should consider feeding such mechanisms with other information deemed necessary and proportionate for the more effective mitigation of risks relating to money laundering and the financing of terrorism. Full confidentiality should be ensured in respect of such inquiries and requests for related information by FIUs and competent authorities other than those authorities responsible for prosecution.	payment accounts and safe-deposit boxes, their proxy holders, and their beneficial owners. When applying the access provisions, it is appropriate for pre-existing mechanisms to be used provided that national FIUs can access the data for which they make inquiries in an immediate and unfiltered manner. Member States should consider feeding such mechanisms with other information deemed necessary and proportionate for the more effective mitigation of risks relating to money laundering and the financing of terrorism. Full confidentiality should be ensured in respect of such inquiries and requests for related information by FIUs and competent authorities other than those authorities responsible for prosecution.	States as an efficient means to get timely access to information on the identity of holders of bank and payment accounts, <u>including virtual bank accounts, securities accounts, custodial crypto-asset wallets</u> and safe-deposit boxes, their proxy holders, and their beneficial owners. <u>Such information should include the historical information on closed customer-account holders, bank, payment and securities accounts, custodial crypto-asset wallets and safe-deposit boxes.</u> When applying the access provisions, it is appropriate for pre-existing mechanisms to be used provided that national FIUs can access the data for which they make inquiries in an immediate and unfiltered manner. Member States should consider feeding such mechanisms with other information deemed necessary and proportionate for the more effective mitigation of risks relating to money laundering and the financing of terrorism. Full confidentiality should be ensured in respect of such inquiries and requests for related information by FIUs and competent authorities. ~~other than those authorities responsible for prosecution.~~	
Recital 40				
50				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	(40) In order to respect privacy and protect personal data, the minimum data necessary for the carrying out of AML/CFT investigations should be held in centralised automated mechanisms for bank and payment accounts, such as registers or data retrieval systems. It should be possible for Member States to determine which data it is useful and proportionate to gather, taking into account the systems and legal traditions in place to enable the meaningful identification of the beneficial owners. When transposing the provisions relating to those mechanisms, Member States should set out retention periods equivalent to the period for retention of the documentation and information obtained within the application of customer due diligence measures. It should be possible for Member States to extend the retention period on a general basis by law, without requiring case-by-case decisions. The additional retention period should not exceed an additional five years. That period should be without prejudice to national law setting out other data retention requirements allowing case-by-case decisions to facilitate criminal or administrative proceedings. Access to those mechanisms should be on a need-to-know basis.	(40) In order to respect privacy and protect personal data, the minimum data necessary for the carrying out of AML/CFT investigations should be held in centralised automated mechanisms for bank and payment accounts, such as registers or data retrieval systems. It should be possible for Member States to determine which data it is useful and proportionate to gather, taking into account the systems and legal traditions in place to enable the meaningful identification of the beneficial owners. When transposing the provisions relating to those mechanisms, Member States should set out retention periods equivalent to the period for retention of the documentation and information obtained within the application of customer due diligence measures. It should be possible for Member States to extend the retention period on a general basis by law, without requiring case-by-case decisions. The additional retention period should not exceed an additional five years. That period should be without prejudice to national law setting out other data retention requirements allowing case-by-case decisions to facilitate criminal or administrative proceedings. Access to those mechanisms should be on a need-to-know basis.	(40) In order to respect privacy and protect personal data, the minimum data necessary for the carrying out of AML/CFT investigations should be held in centralised automated mechanisms for bank <u>accounts and crypto-asset wallets</u>~~and payment accounts~~, such as registers or data retrieval systems. It should be possible for Member States to determine which data it is useful and proportionate to gather, taking into account the systems and legal traditions in place to enable the meaningful identification of the beneficial owners. When transposing the provisions relating to those mechanisms, Member States should set out retention periods equivalent to the period for retention of the documentation and information obtained within the application of customer due diligence measures. It should be possible for Member States to <u>exceptionally</u> extend the retention period, <u>provided good reasons are given</u>~~on a general basis by law, without requiring case-by-case decisions~~. The additional retention period should not exceed an additional five years. That period should be without prejudice to national <u>criminal law on evidence applicable to ongoing criminal investigations and legal proceedings and allow or require the</u>~~law setting out other data~~	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			retention ~~requirements allowing ease-by-case decisions to facilitate criminal or administrative proceedings~~ <u>of such information or documents in concrete cases for a further maximum period of five years where the necessity and proportionality of such further retention have been established for the prevention, detection, investigation or prosecution of suspected money laundering or terrorist financing</u>. Access to those mechanisms should be on a need-to-know basis.	
Recital 41				
51	(41) Through the interconnection of Member States' centralised automated mechanisms, the national FIUs would be able to obtain swiftly cross-border information on the identity of holders of bank and payment accounts and safe deposit boxes in other Member States, which would reinforce their ability to effectively carry out financial analysis and cooperate with their counterparts from other Member States. Direct cross-border access to information on bank and payment accounts and safe deposit boxes would enable the Financial Intelligence Units to produce financial analysis within a	(41) Through the interconnection of Member States' centralised automated mechanisms, the national FIUs would be able to obtain swiftly cross-border information on the identity of holders of bank and payment accounts and safe deposit boxes in other Member States, which would reinforce their ability to effectively carry out financial analysis and cooperate with their counterparts from other Member States. Direct cross-border access to information on bank and payment accounts and safe deposit boxes would enable the Financial Intelligence Units to produce financial analysis within a	(41) Through the interconnection of Member States' centralised automated mechanisms, the national FIUs <u>and other competent national authorities designated according to Directive (EU) 2019/1153^{1a}</u> would be able to obtain swiftly cross-border information on the identity of holders of bank, <u>payment and securities</u> ~~and payment~~ accounts, <u>custodial crypto-asset wallets</u> and safe deposit boxes in other Member States, which would reinforce their ability to effectively carry out financial analysis, <u>detect, investigate or prosecute criminal offences</u>, and cooperate with their counterparts from other Member	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	sufficiently short timeframe to detect potential money laundering and terrorist financing cases and guarantee a swift law enforcement action.	sufficiently short timeframe to detect potential money laundering and terrorist financing cases and guarantee a swift law enforcement action.	States. Direct cross-border access to information on bank, <u>payment and securities</u> ~~and payment~~ accounts, <u>custodial crypto-asset wallets</u> and safe deposit boxes would enable the Financial Intelligence Units to produce financial analysis within a sufficiently short timeframe to detect potential money laundering and terrorist financing cases and guarantee a swift law enforcement action. <u>^{1a} Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA, OJ L 186, 11.7.2019, p. 122–137.</u>	
Recital 42				
52	(42) In order to respect the right to the protection of personal data and the right to privacy, and to limit the impact of cross-border access to the information contained in the national centralised automated mechanisms, the scope of information accessible through the bank account registers (BAR) central access point would be	(42) In order to respect the right to the protection of personal data and the right to privacy, and to limit the impact of cross-border access to the information contained in the national centralised automated mechanisms, the scope of information accessible through the bank account registers (BAR) central access point would be	(42) In order to respect the right to the protection of personal data and the right to privacy, and to limit the impact of cross-border access to the information contained in the national centralised automated mechanisms, the scope of information accessible through the bank account registers (BAR) central access point would be	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	restricted to the minimum necessary in accordance with the principle of data minimisation in order to allow the identification of any natural or legal persons holding or controlling payment accounts and bank accounts identified by IBAN and safe-deposit boxes. Furthermore, only FIUs should be granted immediate and unfiltered access to the central access point. Member States should ensure that the FIUs' staff maintain high professional standards of confidentiality and data protection, that they are of high integrity and are appropriately skilled. Moreover, Member States should put in place technical and organisational measures guaranteeing the security of the data to high technological standards.	restricted to the minimum necessary in accordance with the principle of data minimisation in order to allow the identification of any natural or legal persons holding or controlling payment accounts, ~~as well as~~ and bank accounts identified by IBAN and safe-deposit boxes. Furthermore, only FIUs should be granted immediate and unfiltered access to the central access point. <u>This is because of the high level of harmonisation of rules applicable to FIUs, especially when compared with the law enforcement authorities, as well as their specialised nature. The fact that FIUs are granted such wide and seamless access to this kind of sensitive data via access to the central access point therefore does not presume that it should be given also to other authorities.</u> Member States should ensure that the FIUs' staff maintain high professional standards of confidentiality and data protection, that they are of high integrity and are appropriately skilled. Moreover, Member States should put in place technical and organisational measures guaranteeing the security of the data to high technological standards.	restricted to the minimum necessary in accordance with the principle of data minimisation in order to allow the identification of any natural or legal persons holding or controlling payment accounts and bank accounts identified by IBAN, <u>securities accounts, custodial crypto-asset wallets</u> and safe-deposit boxes. ~~Furthermore, only FIUs~~ <u>FIUs and the other competent authorities designated according to Directive (EU) 2019/1153</u> should be granted immediate and unfiltered access to the central access point. Member States should ensure that the FIUs' staff maintain high professional standards of confidentiality and data protection, that they are of high integrity and are appropriately skilled <u>including in detecting biases in and ethical use of big data sets.</u> Moreover, Member States should put in place technical and organisational measures guaranteeing the security of the data to high technological standards.	
Recital 43				
53				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	(43) The interconnection of Member States' centralised automated mechanisms (central registries or central electronic data retrieval systems) containing information on bank and payment accounts and safe-deposit boxes through the BAR single access point necessitates the coordination of national systems having varying technical characteristics. For this purpose, technical measures and specifications taking into account the differences between the national centralised automated mechanisms should be developed.	(43) The interconnection of Member States' centralised automated mechanisms (central registries or central electronic data retrieval systems) containing information on bank and payment accounts and safe-deposit boxes through the BAR single access point necessitates the coordination of national systems having varying technical characteristics. For this purpose, technical measures and specifications taking into account the differences between the national centralised automated mechanisms should be developed.	(43) The interconnection of Member States' centralised automated mechanisms (central registries or central electronic data retrieval systems) containing information on bank and payment accounts and safe-deposit boxes through the BAR single access point necessitates the coordination of national systems having varying technical characteristics. For this purpose, technical measures and specifications taking into account the differences between the national centralised automated mechanisms should be developed.	(43) The interconnection of Member States' centralised automated mechanisms (central registries or central electronic data retrieval systems) containing information on bank and payment accounts and safe-deposit boxes through the BAR single access point necessitates the coordination of national systems having varying technical characteristics. For this purpose, technical measures and specifications taking into account the differences between the national centralised automated mechanisms should be developed. Text Origin: Commission Proposal
Recital 44				
54	(44) Real estate is an attractive commodity for criminals to launder the proceeds of their illicit activities, as it allows obscuring the true source of the funds and the identity of the beneficial owner. Proper and timely identification of natural or legal person owning real estate by FIUs and other competent authorities is important both for detecting money laundering schemes as well as for freezing and confiscation of assets. It is therefore important that Member States provide FIUs and competent	(44) Real estate is an attractive commodity for criminals to launder the proceeds of their illicit activities, as it allows obscuring the true source of the funds and the identity of the beneficial owner. Proper and timely identification of natural or legal person owning real estate by FIUs and other competent authorities is important both for detecting money laundering schemes as well as for freezing and confiscation of assets. It is therefore important that Member States provide FIUs and competent	(44) <u>Land and</u> real estate is an attractive commodity for criminals to launder the proceeds of their illicit activities, as it allows obscuring the true source of the funds and the identity of the beneficial owner. Proper and timely identification of natural or legal person owning <u>land and</u> real estate by FIUs and other competent authorities is important both for detecting money laundering schemes as well as for freezing, <u>seizing</u> and confiscation of assets, <u>in particular in the case of targeted</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	authorities with access to information which allows the identification in a timely manner of natural or legal person owning real estate and information relevant for the identification of the risk and suspicion of the transaction.	authorities with access to information which allows the identification in a timely manner of natural or legal person owning real estate and information relevant for the identification of the risk and suspicion of the transaction.	<u>financial sanctions. Member States should set-up registers or electronic data retrieval systems to effectively put an end to real estate or land as a means to launder money.</u> It is therefore important that Member States provide FIUs and competent authorities with access to information <u>through a single access point in each Member State,</u> which allows the identification in a timely manner of natural or legal person owning <u>land and</u> real estate, <u>including through registers or electronic data retrieval systems,</u> and information relevant for the identification of the <u>beneficial owner, as well as timely access to the information relevant for the identification of the</u> risk and suspicion of the transaction. <u>Such data should be interconnected via the European real estate data single access point (E-RED) to be developed and operated by the Commission.</u>	
Recital 44a				
54a			<u>(44a) Certain goods registered under national law can be attractive commodities for criminals to launder the proceeds of their illicit activities. Member States should provide for systems to aggregate information on ownership of such</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>goods, for example watercrafts and aircrafts. Member States should also consider aggregating, through registers or other systems, information on ownership of certain other goods of high value, particularly insured goods. Proper and timely identification of natural persons who are beneficial owners of those goods by FIUs and other competent authorities is important both for detecting money laundering schemes and for freezing assets. It is therefore important for Member States to provide FIUs and competent authorities with access to information which allows the identification in a timely manner of natural persons owning certain goods directly or via beneficial ownership and to information relevant for the identification of the risk and suspicion of transactions. Given the money laundering and terrorist financing risk posed by goods in freezones, it is similarly important for Member States to ensure that information on certain goods in freezones is available to competent authorities through registers or electronic data retrieval systems on free zones. Those registers or data retrieval system should be interconnected via the free zone goods' information (FZGI) single access point to be</u>	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 58/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>developed and operated by the Commission.</u>	
Recital 45				
55	(45) All Member States have, or should, set up operationally independent and autonomous FIUs to collect and analyse the information which they receive with the aim of establishing links between suspicious transactions and underlying criminal activity in order to prevent and combat money laundering and terrorist financing. The FIU should be the single central national unit responsible for the receipt and analysis of suspicious transaction reports, reports on cross-border physical movements of cash and on payments in cash above a certain threshold as well as other information relevant to money laundering, its predicate offences or terrorist financing submitted by obliged entities. Operational independence and autonomy of the FIU should be ensured by granting the FIU the authority and capacity to carry out its functions freely, including the ability to take autonomous decisions as regards analysis, requests and dissemination of specific information. In all cases, the FIU should have the independent right to forward or disseminate	(45) All Member States have, or should, set up operationally independent and autonomous FIUs to collect and analyse the information which they receive with the aim of establishing links between suspicious transactions and underlying criminal activity in order to prevent and combat money laundering and terrorist financing. The FIU should be the single central national unit responsible for the receipt and analysis of suspicious transaction reports, reports on cross-border physical movements of cash <u>through the Customs Information System</u> and on payments in cash above a certain threshold as well as other information relevant to money laundering, its predicate offences or terrorist financing submitted by obliged entities. Operational independence and autonomy of the FIU should be ensured by granting the FIU the authority and capacity to carry out its functions freely, including the ability to take autonomous decisions as regards analysis, requests and dissemination of specific information. In all cases, the FIU should have the independent	(45) All Member States have, or should, set up operationally independent and autonomous FIUs to collect and analyse the information which they receive with the aim of establishing links between suspicious transactions and underlying criminal activity in order to prevent and combat money laundering and terrorist financing. The FIU should be the single central national unit responsible for the receipt and analysis of suspicious transaction reports, reports on cross-border physical movements of cash <u>through the customs information system</u> and on payments in cash above a certain threshold as well as other information relevant to money laundering, its predicate offences or terrorist financing submitted by obliged entities. Operational independence and autonomy of the FIU should be ensured by granting the FIU the authority and capacity to carry out its functions freely, including the ability to take autonomous decisions as regards analysis, requests and dissemination of specific information. In all cases, the FIU should have the independent	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	information to competent authorities. The FIU should be provided with adequate financial, human and technical resources, in a manner that secures its autonomy and independence and enables it to exercise its mandate effectively. The FIU should be able to obtain and deploy the resources needed to carry out its functions, on an individual or routine basis, free from any undue political, government or industry influence or interference, which might compromise its operational independence.	right to forward or disseminate information to competent authorities. The FIU should be provided with adequate financial, human and technical resources, in a manner that secures its autonomy and independence and enables it to exercise its mandate effectively. The FIU should be able to obtain and deploy the resources needed to carry out its functions, on an individual or routine basis, free from any undue political, government or industry influence or interference, which might compromise its operational independence.	right to forward or disseminate information to competent authorities. The FIU should be provided with adequate financial, human and technical resources, in a manner that secures its autonomy and independence and enables it to exercise its mandate effectively. The FIU should be able to obtain and deploy the resources needed to carry out its functions, on an individual or routine basis, free from any undue political, government or industry influence or interference, which might compromise its operational independence. <u>In order to assess the fulfilment of those requirements and identify weaknesses and best practices, AMLA should be empowered to coordinate the organisation of peer reviews of FIUs.</u>	
Recital 45a				
55a			<u>(45a) FIU staff should be of high integrity and appropriately skilled, including in detecting biases in, and in the ethical use of, big data sets, and maintain high professional standards. FIU staff should not be in a situation where a conflict of interest exists or could be perceived to exist. AMLA should adopt guidelines to address situations of conflict of interest.</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Recital 46				
56	(46) FIUs play an important role in identifying the financial operations of terrorist networks, especially cross-border, and in detecting their financial backers. Financial intelligence might be of fundamental importance in uncovering the facilitation of terrorist offences and the networks and schemes of terrorist organisations. FIUs maintain significant differences as regards their functions, competences and powers. The current differences should however not affect an FIU's activity, particularly its capacity to develop preventive analyses in support of all the authorities in charge of intelligence, investigative and judicial activities, and international cooperation. In the exercise of their tasks, it has become essential to identify the minimum set of data FIUs should have swift access to and be able to exchange without impediments with their counterparts from other Member States. In all cases of suspected money laundering, its predicate offences and in cases involving the financing of terrorism, information should flow directly and quickly without undue delays. It is therefore essential to further enhance the	(46) FIUs play an important role in identifying the financial operations of terrorist networks, especially cross-border, and in detecting their financial backers. Financial intelligence might be of fundamental importance in uncovering the facilitation of terrorist offences and the networks and schemes of terrorist organisations. FIUs maintain significant differences as regards their functions, competences and powers. The current differences should however not affect an FIU's activity, particularly its capacity to develop preventive analyses in support of all the authorities in charge of intelligence, investigative and judicial activities, and international cooperation. In the exercise of their tasks, it has become essential to identify the minimum set of data FIUs should have swift access to and be able to exchange without impediments with their counterparts from other Member States. In all cases of suspected money laundering, its predicate offences and in cases involving the financing of terrorism, information should flow directly and quickly without undue delays. It is therefore essential to further enhance the	(46) FIUs play an important role in identifying the financial operations of terrorist networks, especially cross-border, and in detecting their financial backers. Financial intelligence might be of fundamental importance in uncovering the facilitation of terrorist offences and the networks and schemes of terrorist organisations. FIUs maintain significant differences as regards their functions, competences and powers. The current differences should however not affect an FIU's activity, particularly its capacity to develop preventive analyses in support of all the authorities in charge of intelligence, investigative and judicial activities, and international cooperation. In the exercise of their tasks, it has become essential to identify the minimum set of data FIUs should have swift access to and be able to exchange without impediments with their counterparts from other Member States. In all cases of suspected money laundering, its predicate offences and in cases involving the financing of terrorism, information should flow directly and quickly without undue delays. It is therefore essential to further enhance the	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	effectiveness and efficiency of FIUs, by clarifying the powers of and cooperation between FIUs.	effectiveness and efficiency of FIUs, by clarifying the powers of and cooperation between FIUs.	effectiveness and efficiency of FIUs, by clarifying the powers of and cooperation between FIUs. <u>FIUs should cooperate with each other to the greatest extent possible. An FIU should be able to refuse to exchange information with another FIU only in exceptional circumstances where the exchange could be contrary to fundamental principles of national law. Such exceptional circumstances should be specified in a way which prevents the misuse of, and undue limitations on, the free exchange of information for analytical purposes.</u>	
Recital 47				
57	(47) The powers of FIUs include the right to access directly or indirectly the ‘financial’, ‘administrative’ and ‘law enforcement’ information that they require in order to combat money laundering, its associated predicate offences and terrorist financing. The lack of definition of what types of information these general categories include has resulted in FIUs having been granted with access to considerably diversified sets of information which has an impact on FIUs’ analytical functions as well as on their capacity to cooperate effectively with their counterparts from other Member	(47) The powers of FIUs include the right to access directly or indirectly the ‘financial’, ‘administrative’ and ‘law enforcement’ information that they require in order to combat money laundering, its associated predicate offences and terrorist financing. The lack of definition of what types of information these general categories include has resulted in FIUs having been granted with access to considerably diversified sets of information which has an impact on FIUs’ analytical functions as well as on their capacity to cooperate effectively with their counterparts from other Member	(47) The powers of FIUs include the right to access directly or indirectly the ‘financial’, ‘administrative’ and ‘law enforcement’ information that they require in order to combat money laundering, its associated predicate offences and terrorist financing. The lack of definition of what types of information these general categories include has resulted in FIUs having been granted with access to considerably diversified sets of information which has an impact on FIUs’ analytical functions as well as on their capacity to cooperate effectively with their counterparts from other Member	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	States. It is therefore necessary to define the minimum sets of ‘financial’, ‘administrative’ and ‘law enforcement’ information that should be made directly or indirectly available to every FIU across the Union. Moreover, FIUs should be able to obtain swiftly from any obliged entity all necessary information relating to their functions. An FIU should also be able to obtain such information upon request made by another FIU and to exchange that information with the requesting FIU.	States. It is therefore necessary to define the minimum sets of ‘financial’, ‘administrative’ and ‘law enforcement’ information that should be made directly or indirectly available to every FIU across the Union. <u><i>For the purpose of Article 18(1), direct access shall mean that FIU staff accesses information from databases, autonomously through a portal or a terminal, i.e., by technical means. On the other hand, indirect access means that FIU staff accesses information through a request to another authority, i.e., to be processed by staff of that authority. Where Article 18(1) provides for exceptions from obligation to provide for direct access, at least indirect access is required. Since direct access contributes greatly to the operational effectiveness and responsiveness of FIUs, Article 18(1) does not prevent Member States from deciding for direct access where that Article requires only indirect access. It needs to be underpinned that Article 18(1) does not mandate Member States to set up databases where they do not exist – in such a case, Article 18(2) applies, meaning that the Member State can decide either to set up the database at stake, or to take other necessary measures to ensure that FIU can obtain that information by</i></u>	States. It is therefore necessary to define the minimum sets of ‘financial’, ‘administrative’ and ‘law enforcement’ information that should be made directly or indirectly available to every FIU across the Union. Moreover, FIUs should be able to obtain swiftly from any obliged entity all necessary information relating to their functions. An FIU should also be able to obtain such information upon request made by another FIU and to exchange that information with the requesting FIU <u><i>in compliance with existing legal provisions, such as Directive (EU) 2019/1153. Access to financial, administrative and law enforcement information by FIUs should be in accordance with the principle of data minimisation.</i></u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>any other means. Unfiltered access shall mean access to information in full, without any restrictions on the data accessed or requested by the FIU. However, Member States are given leeway to provide for exceptions from unfiltered access where it would have a negative impact on ongoing investigations or if it would be clearly disproportionate to the legitimate interests of a natural person with regard to the purposes for which access has been requested.</u> Moreover, FIUs should be able to obtain swiftly from any obliged entity all necessary information relating to their functions. An FIU should also be able to obtain such information upon request made by another FIU and to exchange that information with the requesting FIU.		
Recital 47a				
57a		<u>(47a) FIUs should be able to respond to reasoned requests for financial information and financial analysis by national authorities competent for investigating or prosecuting criminal activities in the FIU's Member State, where such requests concern money laundering, its predicate offences or terrorist financing. This imperative should be read as complementary to</u>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>the national measures transposing Article 3(2) and Article 7 of Directive (EU) 2019/1153 of the European Parliament and of the Council¹. In order to guarantee the operational independence and autonomy of FIUs and preserve their capabilities, these requests should concern information already held by the FIU, where that information is necessary on a case by case basis. This Directive should not prevent Member States from deciding that their FIU is able to respond to reasoned requests for information by other authorities set out at national level. Specifically, Member States should consider including supervisory authorities.</u> <u>1. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA (OJ L 186, 11.7.2019, p. 122).</u>		
Recital 48				
58	(48) The vast majority of FIUs have been granted the power to take urgent action and suspend or withhold consent to a transaction in order to analyse it, confirm the	(48) The vast majority of FIUs have been granted the power to take urgent action and suspend or withhold consent to a transaction in order to ~~analyse it~~ <u>perform the</u>	(48) The vast majority of FIUs have been granted the power to take urgent action and suspend or ~~withhold consent to a transaction~~ <u>prohibit a transaction</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	suspicion and disseminate the results of the analytical activities to the competent authorities. However, there are certain variations in relation to the duration of the postponement powers across the different Member States, with an impact not only on the postponement of activities that have a cross-border nature through FIU-to-FIU cooperation, but also on individuals' fundamental rights. Furthermore, in order to ensure that FIUs have the capacity to promptly restrain criminal funds or assets and prevent their dissipation, also for seizure purposes, FIUs should be granted the power to suspend the use of a bank or payment account in order to analyse the transactions performed through the account, confirm the suspicion and disseminate the results of the analysis to the competent authorities. Given that postponement powers have an impact on the right to property, the preservation of affected persons' fundamental rights should be guaranteed.	<u>analyses</u>, confirm the suspicion and disseminate the results of the analytical activities to the <u>relevant</u> competent authorities. <u>In order to ensure that FIUs have the capacity to promptly restrain criminal funds or assets and prevent their dissipation, as well as for seizure purposes, FIUs should be also granted the power to suspend certain type of suspicious transactions at risk that if performed, the proceeds of crime would get out of the reach of FIU or competent authorities, or transactions at risk that if performed, terrorist financing could take place, or transactions suspected of belonging to the same scheme as a previously suspended suspicious transaction.</u> ~~However, there are certain variations in relation to the duration of the postponement powers across the different Member States, with an impact not only on the postponement of activities that have a cross-border nature through FIU-to-FIU cooperation, but also on individuals' fundamental rights. Furthermore, in order to ensure that FIUs have the capacity to promptly restrain criminal funds or assets and prevent their dissipation, also for seizure purposes, FIUs should be granted the power to suspend the use of a bank or payment account~~ in order to	<u>for a pre-determined period</u> in order to analyse it, confirm the suspicion and disseminate the results of the analytical activities to the competent authorities. However, there are certain variations in relation to the duration of the postponement powers across the different Member States, with an impact not only on the postponement of activities that have a cross-border nature through FIU-to-FIU cooperation, but also on individuals' fundamental rights. Furthermore, in order to ensure that FIUs have the capacity to promptly restrain criminal funds or assets and prevent their dissipation, also for seizure purposes, FIUs should be granted the power to suspend, <u>for the necessary and adequate period</u>, the use of a bank or payment account in order to analyse the transactions performed through the account, confirm the suspicion and disseminate the results of the analysis to the competent authorities. Given that postponement powers have an impact on the right to property, the preservation of affected persons' fundamental rights should be guaranteed. <u>Where an FIU decides to suspend or prohibit a transaction or an account that concerns another Member State, it should promptly forward that information to the FIU of that Member State and make it available</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		~~analyse the transactions performed through the account~~ <u>perform the analyses</u>, confirm the suspicion and disseminate the results of the ~~analysis~~ <u>analyses</u> to the competent authorities. ~~Given that postponement powers have an impact on the right to property, the preservation of affected persons' fundamental rights should be guaranteed~~ <u>to allow for the adoption of appropriate measures.</u>	<u>to other FIUs through FIU.net. Each FIU should appoint a fundamental rights officer from within its own staff to ensure that fundamental rights are guaranteed at all times.</u>	
Recital 48a				
58a		<u>(48a) Where there is a suspicion that a business relationship, like a bank account, could be used for money laundering or terrorist financing, the FIU should be empowered to suspend the use of that account, in order to perform the analyses, confirm the suspicion and disseminate the results of the analyses to the competent authorities to allow for the adoption of appropriate measures.</u>		
Recital 48b				
58b		<u>(48b) Other measures aimed at prevention of dissipation than those covered in Article 20 are not in the scope of this Directive. Member States are therefore free to set out</u>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>in their national legislation that FIU is e.g. empowered to impose suspension order on the state information system manager regarding movable or immovable property.</u>		
Recital 48c				
58c		<u>(48c) The analyses of the FIU concern not just the transactions, but also other circumstances that allow to determine if the suspicion is substantiated or not. This includes inter alia information obtained from sources listed in Article 18, information from other FIUs or from competent authorities, as well as footages from closed-circuit television (CCTV) located at the counters of the credit institutions.</u>		
Recital 48d				
58d		<u>(48d) National legislators are free to choose if the suspension power of FIU is to be exercised directly or indirectly. This is without prejudice to essential principles governing the suspension powers that need to be adhered to, namely the principle of strict confidentiality, utmost urgency and operational independence of FIU, which are</u>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>necessary to ensure effective fight against money laundering and terrorist financing, as well as protection of the justified interests of the affected customer. National legislation should also set out rules on appropriate procedural background for the imposition of the suspension, which respects the above-mentioned principles. FIUs shall be empowered to lift the suspension at any time. This refers particularly to the cases where further duration of the suspension would lead to tipping-off and jeopardising of the investigation. If there is no longer a reason for suspicion, the suspension shall be lifted immediately.</u>		
Recital 48e				
58e		<u>(48e) Given the special nature of the suspension, being an urgent measure intended to remain in effect for a very limited amount of time to secure the possible adoption of more "stable" measures by competent authorities, the legal remedies for the suspension cannot be awarded where the FIU adhered to conditions set out in Article 20, no matter if the suspicion is latter refuted or not.</u>		
Recital 48f				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
58f		<u>(48f) Member States should be granted flexibility in setting the appropriate upper limit of national suspension period for their jurisdiction. That upper limit should not be set below a harmonized threshold, to ensure effective cooperation between European FIUs. In order to meet requirements stemming from relevant case law of Court of Justice¹, according to which legal basis which permits the interference with fundamental rights must itself define the scope of the limitation on the exercise of the right concerned, it is necessary to provide in Article 20 also for maximum suspension periods. Given the diversity of possible regimes employed across Member States, this maximum suspension period should amount to 60 working days. National legislator transposing this Directive is therefore free to provide for upper limit of national suspension period in the interval of 10 to 60 working days in case of suspension under Article 20 (1) (prolonged to 15 to 60 working days where the suspension is imposed on the request of other FIU), and in the interval of 5 to 60 working days in case of suspension under Article 20 (2) (prolonged to 10 to 60 working days where the suspension is</u>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>imposed on the request of other FIU). The safeguards necessary to guarantee the fundamental rights of the affected persons should be designed accordingly, taking into account the upper limit of national suspension period. As such, Member States would have the responsibility to introduce appropriate safeguards to ensure that the suspension powers granted to their FIU are compatible with fundamental rights, including the European Convention of Human Rights and Fundamental Freedoms. If the suspicion remains after the end of the suspension period, Member States should ensure that due process is applied and an investigation by competent authorities is opened in order for a seizure to take effect.</u> <u>1. Judgment of the Court of Justice of 16 July 2020, Data Protection Commissioner v Facebook Ireland Limited and Maximillian Schrems, C-311/18, ECLI: EU:C:2020:559, paragraph 175, and Judgment of the Court of Justice of 17 December 2015, WebMindLicenses kft v Nemzeti Adó- és Vámhivatal Kiemelt Adó- és Vám Főigazgatóság, C-419/14, ECLI:EU:C:2015:832, paragraph 81.</u>		
Recital 48g				
58g		<u>(48g) The FIU should be empowered to impose the</u>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>suspension at the request of FIU from other Member State, or, at least where the reciprocity is assured, at the request of FIU from third country. Given the fact that analysing cross-border cases is more complex and requires more time, the corresponding minimum suspension periods need to be longer than in case of intra-national suspensions.</u>		
Recital 48h				
58h		<u>(48h) The period of suspension is denoted in working days. What day qualifies as a working day should depend on law of Member State where the FIU which imposed the suspension is located. In line with European Convention on the Calculation of Time-Limits, the suspension period runs from dies a quo (i.e., in this case the day when the suspension was imposed) at midnight to the dies ad quem (i.e., in this case the last day of the period) at midnight. The day when the suspension was imposed is therefore not counted in the suspension period – such arrangement guarantees that FIU has always possibility to take advantage of the whole suspension period, no matter whether it imposes the suspension in the</u>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>morning or in the evening.</u>		
Recital 49				
59	(49) For the purposes of greater transparency and accountability and to increase awareness with regard to their activities, FIUs should issue activity reports on an annual basis. These reports should at least provide statistical data in relation to the suspicious transaction reports received, the number of disseminations made to national competent authorities, the number of requests submitted to and received by other FIUs as well as information on trends and typologies identified. This report should be made public except for the elements which contain sensitive and classified information. At least once annually, the FIU should provide obliged entities with feedback on the quality of suspicious transaction reports, their timeliness, the description of suspicion and any additional documents provided. Such feedback can be provided to individual obliged entities or groups of obliged entities and should aim to further improve the obliged entities' ability to detect and identify suspicious transactions and activities and enhance the overall reporting mechanisms.	(49) For the purposes of greater transparency and accountability and to increase awareness with regard to their activities, FIUs should issue activity reports on an annual basis. These reports should at least provide statistical data in relation to the suspicious transaction reports received, the number of disseminations made to national competent authorities, the number of requests submitted to and received by other FIUs as well as information on trends and typologies identified. This report should be made public ~~except for the elements which contain sensitive and classified information~~. At least once annually, the FIU should provide obliged entities with <u>general</u> feedback, <u>with case examples when relevant</u>, on the quality of suspicious transaction reports, their timeliness, the description of suspicion and any additional documents provided. Such feedback can be provided to individual obliged entities or groups of obliged entities and should aim to further improve the obliged entities' ability to detect and identify suspicious transactions and activities and enhance the overall reporting	(49) For the purposes of greater transparency and accountability and to increase awareness with regard to their activities, FIUs should issue activity reports on an annual basis. These reports should at least provide statistical data in relation to the suspicious transaction reports received, the number of disseminations made to national competent authorities, the number of requests submitted to and received by other FIUs ~~as well as~~, information on trends and typologies identified <u>and requests submitted to and received from competent authorities, Europol and EPPO</u>. This report should be made public except for the elements which contain sensitive and classified information. At <u>regular intervals, and at at</u> least once annually, the FIU should provide obliged entities with feedback on the quality of suspicious transaction reports, their timeliness, the description of suspicion and any additional documents provided. Such feedback ~~can~~ <u>should</u> be provided to individual obliged entities or groups of obliged entities, <u>depending on the sector</u>, and should aim to further improve	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		mechanisms.	the obliged entities' ability to detect and identify suspicious transactions and activities and enhance the overall reporting mechanisms.	
Recital 50				
60	(50) The purpose of the FIU is to collect and analyse the information which they receive with the aim of establishing links between suspicious transactions and underlying criminal activity in order to prevent and combat money laundering and terrorist financing, and to disseminate the results of its analysis as well as additional information to the competent authorities where there are grounds to suspect money laundering, associated predicate offences or financing of terrorism. An FIU should not refrain from or refuse the exchange of information to another FIU, spontaneously or upon request, for reasons such as a lack of identification of an associated predicate offence, features of criminal national laws and differences between the definitions of associated predicate offences or the absence of a reference to particular associated predicate offences. Similarly, an FIU should grant its prior consent to another FIU to forward the information to other	(50) The purpose of the FIU is to collect and analyse ~~the~~ information ~~which they receive~~ with the aim of establishing links between suspicious transactions and underlying criminal activity in order to prevent and combat money laundering and terrorist financing, and to disseminate the results of its analysis as well as additional information to the <u>relevant</u> competent authorities where there are grounds to suspect money laundering, associated predicate offences or financing of terrorism. An FIU should not refrain from or refuse the exchange of information to another FIU, spontaneously or upon request, for reasons such as a lack of identification of an associated predicate offence, features of criminal national laws and differences between the definitions of associated predicate offences or the absence of a reference to particular associated predicate offences. Similarly, an FIU should grant its prior consent to another FIU to forward the	(50) The purpose of the FIU is to collect and analyse the information which they receive with the aim of establishing links between suspicious transactions and underlying criminal activity in order to prevent and combat money laundering and terrorist financing, and to disseminate the results of its analysis as well as additional information to the competent authorities where there are grounds to suspect money laundering, associated predicate offences or financing of terrorism. An FIU should not refrain from or refuse the exchange of information to another FIU, spontaneously or upon request, for reasons such as a lack of identification of an associated predicate offence, features of criminal national laws and differences between the definitions of associated predicate offences or the absence of a reference to particular associated predicate offences. Similarly, an FIU should grant its prior consent to another FIU to forward the information to other	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	competent authorities regardless of the type of possible associated predicate offence in order to allow the dissemination function to be carried out effectively. FIUs have reported difficulties in exchanging information based on differences in national definitions of certain predicate offences, such as tax crimes, which are not harmonised by Union law. Such differences should not hamper the mutual exchange, the dissemination to other competent authorities and the use of that information. FIUs should rapidly, constructively and effectively ensure the widest range of international cooperation with third countries' FIUs in relation to money laundering, associated predicate offences and terrorist financing in accordance with the applicable data protection rules for data transfers, FATF Recommendations and Egmont Principles for Information Exchange between Financial Intelligence Units.	information to other competent authorities regardless of the type of possible associated predicate offence in order to allow the dissemination function to be carried out effectively. FIUs have reported difficulties in exchanging information based on differences in national definitions of certain predicate offences, such as tax crimes, which are not harmonised by Union law. Such differences should not hamper the mutual exchange, the dissemination to other competent authorities and the use of that information. FIUs should rapidly, constructively and effectively ensure the widest range of international cooperation with third countries' FIUs in relation to money laundering, associated predicate offences and terrorist financing in accordance with the applicable data protection rules for data transfers, FATF Recommendations and Egmont Principles for Information Exchange between Financial Intelligence Units.	competent authorities regardless of the type of possible associated predicate offence <u>and whether or not the predicate offence has been identified,</u> in order to allow the dissemination function to be carried out effectively. FIUs have reported difficulties in exchanging information based on differences in national definitions of certain predicate offences, such as tax crimes, which are not harmonised by Union law. Such differences should not hamper the mutual exchange, the dissemination to other competent authorities and the use of that information. FIUs should rapidly, constructively and effectively ensure the widest range of international cooperation with third countries' FIUs in relation to money laundering, associated predicate offences and terrorist financing in accordance with the applicable data protection rules for data transfers, FATF Recommendations and Egmont Principles for Information Exchange between Financial Intelligence Units, <u>while fully respecting data protection and fundamental rights obligations and protecting the rule of law.</u>	
Recital 50a				
60a			<u>(50a) For FIUs to carry out their</u>	

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			<u>tasks effectively, given the cross-border nature of many transactions, they must cooperate with each other and with competent authorities, including not only law enforcement authorities, but also tax and customs authorities, Europol and the European Anti-Fraud Office (OLAF), in a more meaningful and efficient manner. Cooperation with FIUs of third countries is also essential in order to fight money laundering and terrorist financing at the global level and to comply with international AML/CFT standards. Member States should enable, through their legislation, such cooperation and empower their FIUs to enter into effective cooperation arrangements.</u>	
Recital 50b				
60b			<u>(50b) In order to ensure appropriate follow up, it is essential that FIUs disseminate the results of their analysis to competent authorities, including information received from other FIUs. Where prior consent to further dissemination is necessary, Member States should ensure that the requested FIU's prior consent is granted promptly and to the largest extent possible, regardless of the type of predicate offences and</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>whether or not the predicate offence has been identified. Any refusal should be based solely on objective grounds and be grounded on a reasoned justification that such dissemination would fall beyond the scope of application of AML/CFT provisions, could lead to impairing ongoing investigations, or would affect fundamental principles of Union or national law.</u>	
Recital 50c				
60c			<u>(50c) When granting consent for the further dissemination of information to competent authorities, the requested FIU should be able to impose restrictions and conditions for the use of that information. The receiving FIU and the competent authorities concerned should comply with the restrictions and conditions set by the requested FIU. For example, a requested FIU might agree that the receiving FIU disseminate the information to competent authorities on the condition that that information can be used for operational and strategic analysis purposes only. In such an event, competent authorities in the receiving Member State should not automatically use the disseminated information as</u>	

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			<u>evidence in a judicial proceeding but the competent authorities of that Member State should rather use the applicable judicial cooperation mechanisms to seek information for evidentiary purposes.</u>	
Recital 51				
61	(51) FIUs should use secure facilities, including protected channels of communication, to cooperate and exchange information amongst each other. In this respect, a system for the exchange of information between FIUs of the Member States ('FIU.net') should be set up. The system should be managed and hosted by AMLA. The FIU.net should be used by FIUs to cooperate and exchange information amongst each other and may also be used, where appropriate, to exchange information with FIUs of third countries and with other authorities and Union bodies. The functionalities of the FIU.net should be used by FIUs to their full potential. Those functionalities should allow FIUs to match their data with data of other FIUs in an anonymous way with the aim of detecting subjects of the FIU's interests in other Member States and identifying their proceeds and funds,	(51) FIUs should use secure facilities, including protected channels of communication, to cooperate and exchange information amongst each other. In this respect, a system for the exchange of information between FIUs of the Member States ('FIU.net') ~~should be~~ <u>has been</u> set up. The system should be managed and hosted by AMLA. The FIU.net should be used by FIUs to cooperate and exchange information amongst each other and may also be used, where appropriate <u>and subject to decision by AMLA</u> , to exchange information with FIUs of third countries and with other authorities and ~~Union bodies~~ <u>bodies of the Union</u> . The functionalities of the FIU.net should be used by FIUs to their full potential. Those functionalities should allow FIUs to match their data with data of other FIUs in an ~~anonymous~~ <u>pseudonymous</u> way with the aim of detecting subjects of	(51) FIUs should use secure facilities, including protected channels of communication <u>by using end-to-end encryption</u> , to cooperate and exchange information amongst each other <u>via the FIU.net and, when available, its one-stop-shop</u> . In this respect, a <u>fully encrypted, safe and secure</u> system for the exchange of information between FIUs of the Member States ('FIU.net') should be set up. The system should be managed and hosted by AMLA. The FIU.net should be <u>the only system</u> used by FIUs to cooperate and exchange information amongst each other and may also be used, where appropriate, to exchange information with FIUs of third countries and with other authorities and Union bodies. The functionalities of the FIU.net should be used by FIUs to their full potential. Those functionalities should allow FIUs to match their data with data of other FIUs in an	

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	whilst ensuring full protection of personal data.	the FIU's interests in other Member States and identifying their proceeds and funds, whilst ensuring full protection of personal data.	anonymous way, <u>and their subject matter data with the Europol database in accordance with Regulation (EU) 2016/794</u> , with the aim of detecting subjects of the FIU's interests in other Member States and identifying their proceeds and funds, whilst ensuring full protection of personal data.	
Recital 51a				
61a			<u>(51a) Obligated entities should report suspicions of money laundering, its predicate offences and terrorist financing, including attempted transactions, directly to the FIU of the Member State in whose territory the obliged entity in question is established. For that purpose, obliged entities should follow the instructions from their FIU for reporting such suspicion by using protected communication channels. In order to further standardise the reporting of Suspicious Transaction Reports STRs, to reach efficiency gains in FIU operations, and to facilitate the reporting by obliged entities, it is essential to develop a common interface for such reporting based on the FIU.Net system ("FIU.Net one-stop-shop"). AMLA should develop the FIU.Net one-stop-shop reporting interface in order to enable an obliged entity to</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>report directly information to the FIU of the Member State in whose territory the obliged entity transmitting the information is established. Such interface should also allow for the immediate transmission of that information to any other FIU which is concerned by a suspicious transaction report, based on the criteria to be determined through regulatory technical standards. The use of the FIU.Net one-stop-shop should be introduced gradually over time in order to allow a smooth and uninterrupted reporting of suspicion transaction reports and to leave sufficient time for FIUs and obliged entities to implement the necessary technical changes. FIUs should therefore be able to instruct obliged entities to report information via the FIU.Net one-stop-shop five years after this Directive comes into force, and the use of FIU.Net one-stop-shop should be mandatory for obliged entities one year later..</u>	
Recital 52				
62	(52) It is important that FIUs cooperate and exchange information effectively with one another. In this regard, AMLA should provide the necessary assistance, not only by	(52) It is important that FIUs cooperate and exchange information effectively with one another. In this regard, AMLA should provide the necessary assistance, not only by	(52) It is important that FIUs cooperate and exchange information effectively with one another. In this regard, AMLA should provide the necessary assistance, not only by	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	means of coordinating joint analyses of cross-border suspicious transaction reports, but also by developing draft regulatory technical standards concerning the format to be used for the exchange of information between FIUs and guidelines in relation to the relevant factors to be taken into account when determining if a suspicious transaction report concerns another Member State as well as on the nature, features and objectives of operational and of strategic analysis.	means of ~~coordinating~~ <u>supporting</u> joint analyses of cross-border suspicious transaction reports, but also by developing draft regulatory technical standards concerning the format to be used for the exchange of information between FIUs and guidelines in relation to the relevant factors to be taken into account when determining if a suspicious transaction report concerns another Member State as well as on the nature, features and objectives of operational and of strategic analysis.	means of coordinating joint analyses of cross-border suspicious transaction reports, but also by developing draft regulatory technical standards concerning the format to be used for the exchange of information between FIUs and ~~guidelines in relation to~~ the relevant factors to be taken into account when determining if a suspicious transaction report concerns another Member State as well as <u>guidelines</u> on the nature, features and objectives of operational and of strategic analysis.	
Recital 53				
63	(53) Time limits for exchanges of information between FIUs are necessary in order to ensure quick, effective and consistent cooperation. Time limits should be set out in order to ensure effective sharing of information within reasonable time or to meet procedural constraints. Shorter time limits should be provided in exceptional, justified and urgent cases where the requested FIU is able to access directly the databases where the requested information is held. In the cases where the requested FIU is not able to provide the information within the set time limits, it should inform its counterpart accordingly.	(53) Time limits for exchanges of information between FIUs are necessary in order to ensure quick, effective and consistent cooperation. Time limits should be set out in order to ensure effective sharing of information within reasonable time or to meet procedural constraints. Shorter time limits should be provided in exceptional, justified and urgent cases where the requested FIU is able to access directly the databases where the requested information is held. In the cases where the requested FIU is not able to provide the information within the set time limits, it should inform ~~its~~ <u>counterpart accordingly</u> ~~the~~	(53) Time limits for exchanges of information between FIUs are necessary in order to ensure quick, effective and consistent cooperation. Time limits should be set out in order to ensure effective sharing of information within reasonable time or to meet procedural constraints. Shorter time limits should be provided in exceptional, justified and urgent cases where the requested FIU is able to access directly the databases where the requested information is held. In the cases where the requested FIU is not able to provide the information within the set time limits, it should inform its counterpart accordingly.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>requesting FIU thereof.</u>		
Recital 54				
64	(54) The movement of illicit money traverses borders and may affect different Member States. The cross-border cases, involving multiple jurisdictions, are becoming more and more frequent and increasingly significant, also due to the activities carried out by obliged entities on a cross-border basis. In order to deal effectively with cases that concern several Member States, FIUs should be able to go beyond the simple exchange of information for the detection and analysis of suspicious transactions and activities and share the analytical activity itself. FIUs have reported certain important issues which limit or condition the capacity of FIUs to engage in joint analysis. Carrying out joint analysis of suspicious transactions and activities will enable FIUs to exploit potential synergies, to use information from different sources, to obtain a full picture of the anomalous activities and to enrich the analysis. FIUs should be able to conduct joint analyses of suspicious transactions and activities and to set up and participate in joint analysis teams for specific purposes and limited period with the assistance of	(54) The movement of illicit money traverses borders and may affect different Member States. The cross-border cases, involving multiple jurisdictions, are becoming more and more frequent and increasingly significant, also due to the activities carried out by obliged entities on a cross-border basis. In order to deal effectively with cases that concern several Member States, FIUs should be able to go beyond the simple exchange of information for the detection and analysis of suspicious transactions and activities and share the analytical activity itself. FIUs have reported certain important issues which limit or condition the capacity of FIUs to engage in joint analysis. Carrying out joint analysis of suspicious transactions and activities will enable FIUs to exploit potential synergies, to use information from different sources, to obtain a full picture of the anomalous activities and to enrich the analysis. FIUs should be able to conduct joint analyses of suspicious transactions and activities and to set up and participate in joint analysis teams for specific purposes and limited period with the assistance of	(54) The movement of illicit money traverses borders and may affect different Member States. The cross-border cases, involving multiple jurisdictions, are becoming more and more frequent and increasingly significant, also due to the activities carried out by obliged entities on a cross-border basis. In order to deal effectively with cases that concern several Member States, FIUs should be able to go beyond the simple exchange of information for the detection and analysis of suspicious transactions and activities and share the analytical activity itself. FIUs have reported certain important issues which limit or condition the capacity of FIUs <u>and AMLA</u> to engage in joint analysis. Carrying out joint analysis of suspicious transactions and activities will enable FIUs to exploit potential synergies, to use information from different <u>Union and national</u> sources, to obtain a full picture of the anomalous activities and to enrich the analysis. FIUs should be able to conduct joint analyses of suspicious transactions and activities and to set up and participate in joint analysis teams for specific purposes	

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	AMLA. The participation of third parties may be instrumental for the successful outcome of joint analyses. Therefore, FIUs may invite third parties to take part in the joint analysis where such participation would fall within the respective mandates of those third parties.	AMLA. The participation of third parties may be instrumental for the successful outcome of joint analyses. Therefore, FIUs may invite third parties to take part in the joint analysis where such participation would fall within the respective mandates of those third parties.	and limited period with the assistance of AMLA. The participation of third parties may be instrumental for the successful outcome of joint analyses. Therefore, FIUs may invite, <u>when necessary and relevant</u> , third parties to take part in the joint analysis where such participation would fall within the respective mandates of those third parties. <u>Similarly, AMLA should be able to take the initiative to set up a joint analysis in certain clearly specified situations.</u>	
Recital 55				
65	(55) Effective supervision of all obliged entities is essential to protect the integrity of the Union financial system and of the internal market. To this end, Member States should deploy effective and impartial AML/CFT supervision and set forth the conditions for effective, timely and sustained cooperation between supervisors.	(55) Effective supervision of all obliged entities is essential to protect the integrity of the Union financial system and of the internal market. To this end, Member States should deploy effective and impartial AML/CFT supervision and set forth the conditions for effective, timely and sustained cooperation between supervisors.	(55) Effective supervision of all obliged entities is essential to protect the integrity of the Union financial system and of the internal market. To this end, Member States should deploy effective, <u>independent</u> and impartial AML/CFT supervision and set forth the conditions for effective, timely and sustained cooperation between supervisors, <u>and the supervisors should be accordingly granted with such legal powers.</u>	
Recital 56				
66	(56) Member States should ensure effective, impartial and risk-based supervision of all obliged entities,	(56) Member States should ensure effective, impartial and risk-based supervision of all obliged entities,	(56) Member States should ensure effective, impartial, <u>independent</u> and risk-based supervision of all obliged	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	preferably by public authorities via a separate and independent national supervisor. National supervisors should be able to perform a comprehensive range of tasks in order to exercise effective supervision of all obliged entities.	preferably by public authorities via a separate and independent national supervisor. National supervisors should be able to perform a comprehensive range of tasks in order to exercise effective supervision of all obliged entities.	entities, preferably by public authorities via a separate and independent national supervisor. National supervisors should be able to perform a comprehensive range of tasks in order to exercise effective supervision of all obliged entities.	
Recital 57				
67	(57) The Union has witnessed on occasions a lax approach to the supervision of the obliged entities' duties in terms of anti-money laundering and counter-terrorist financing duties. Therefore, it has become of utmost importance that competent national supervisors, as part of the integrated supervisory mechanism put in place by this Directive and Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final], obtain clarity as to their respective rights and obligations.	(57) The Union has witnessed on occasions a lax approach to the supervision of the obliged entities' duties in terms of anti-money laundering and counter-terrorist financing duties. Therefore, it has become of utmost importance that competent national supervisors, as part of the integrated supervisory mechanism put in place by this Directive and Regulation <u>[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]</u> ~~[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]~~ , obtain clarity as to their respective rights and obligations.	(57) The Union has witnessed on occasions a lax approach to the supervision of the obliged entities' duties in terms of anti-money laundering and counter-terrorist financing duties. Therefore, it has become of utmost importance that competent national supervisors, as part of the integrated supervisory mechanism put in place by this Directive and Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final], obtain clarity as to their respective rights and obligations.	
Recital 58				
68	(58) In order to assess and monitor	(58) In order to assess and monitor	(58) In order to assess and monitor	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	more effectively and regularly the risks the obliged entities are exposed to and the manner in which they implement targeted financial sanctions, it is necessary to clarify that national supervisors are both entitled and bound to conduct all the necessary off-site, on-site and thematic investigations and any other inquiries and assessments as they see necessary. This will not only help supervisors decide on those cases where the specific risks inherent in a sector are clear and understood, but also provide them with the tools required to further disseminate relevant information to obliged entities in order to inform their understanding of money laundering and terrorist financing risks.	more effectively and regularly the risks the obliged entities are exposed to and the manner in which they implement targeted financial sanctions, it is necessary to clarify that national supervisors are both entitled and bound to conduct all the necessary off-site, on-site and thematic investigations and any other inquiries and assessments as they see necessary. This will not only help supervisors decide on those cases where the specific risks inherent in a sector are clear and understood, but also provide them with the tools required to further disseminate relevant information to obliged entities in order to inform their understanding of money laundering and terrorist financing risks.	more effectively and regularly the risks the obliged entities are exposed to and the manner in which they implement targeted financial sanctions, it is necessary to clarify that national supervisors are both entitled and bound to conduct all the necessary off-site, on-site and thematic investigations and any other inquiries and assessments as they see necessary. <u>They should also be able to react without undue delay to any suspicion of non-compliance with applicable requirements and to take appropriate supervisory measures to address allegations of non-compliance.</u> This will not only help supervisors decide on those cases where the specific risks inherent in a sector are clear and understood, but also provide them with the tools required to further disseminate relevant information to obliged entities in order to inform their understanding of money laundering and terrorist financing risks.	
Recital 59				
69	(59) Outreach activities, including dissemination of information by the supervisors to the obliged entities under their supervision, is essential to guarantee that the private sector has an adequate understanding of the	(59) Outreach activities, including dissemination of information by the supervisors to the obliged entities under their supervision, is essential to guarantee that the private sector has an adequate understanding of the	(59) Outreach activities, including dissemination of information by the supervisors to the obliged entities under their supervision, <u>is including on data protection issues, are</u> essential to guarantee that the private	(59) Outreach activities, including dissemination of information by the supervisors to the obliged entities under their supervision, is essential to guarantee that the private sector has an adequate understanding of the

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	nature and level of money laundering and terrorist financing risks they face.	nature and level of money laundering and terrorist financing risks they face.	sector has an adequate understanding of the nature and level of money laundering and terrorist financing risks they face <u>and their obligations in that regard</u> .	nature and level of money laundering and terrorist financing risks they face. <u>As the implementation of AML/CFT requirements by obliged entities involves the processing of personal data, it is important that supervisors are acquainted with guidance and other publications issued by the data protection authorities, either at national level or at Union level through the European Data Protection Board, and that they include this information, as appropriate, in their disseminations to the entities under their supervision.</u> Text Origin: Commission Proposal

Recital 60

70	(60) Supervisors should adopt a risk-based approach to their work, which should enable them to focus their resources where the risks are the highest, whilst ensuring that no sector or entity is left exposed to criminal attempts to launder money or finance terrorism. AMLA should play a leading role in fostering a common understanding of risks, and should therefore be entrusted with developing the benchmarks and a methodology for assessing and	(60) Supervisors should adopt a risk-based approach to their work, which should enable them to focus their resources where the risks are the highest, whilst ensuring that no sector or entity is left exposed to criminal attempts to launder money or finance terrorism. AMLA should play a leading role in fostering a common understanding of risks, and should therefore be entrusted with developing the benchmarks and a methodology for assessing and	(60) Supervisors should adopt a risk-based approach to their work, which should enable them to focus their resources where the risks are the highest, whilst ensuring that no sector or entity is left exposed to criminal attempts to launder money or finance terrorism. AMLA should play a leading role in fostering a common understanding of risks, and should therefore be entrusted with developing the benchmarks and a methodology for assessing and	(60) Supervisors should adopt a risk-based approach to their work, which should enable them to focus their resources where the risks are the highest, whilst ensuring that no sector or entity is left exposed to criminal attempts to launder money or finance terrorism. <u>To that end, supervisors should plan their activities on a yearly basis. In doing so, they should not only ensure risk-based coverage of the sectors under their supervision, but also</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	classifying the inherent and residual risk profile of obliged entities, as well as the frequency at which such risk profile should be reviewed.	classifying the inherent and residual risk profile of obliged entities, as well as the frequency at which such risk profile should be reviewed.	classifying the inherent and residual risk profile of obliged entities, as well as the frequency at which such risk profile should be reviewed. <u>In that regard, supervisors and self-regulatory bodies should adopt annual activity reports and make summaries thereof publicly available.</u>	<u>that they are able to react promptly in the event of objective and significant indications of breaches within an obliged entity, including in particular following public revelations or information submitted by whistleblowers.</u> AMLA should play a leading role in fostering a common understanding of risks, and should therefore be entrusted with developing the benchmarks and a methodology for assessing and classifying the inherent and residual risk profile of obliged entities, as well as the frequency at which such risk profile should be reviewed. text based on EC redrafting proposal TM6 20072023 TM9 of 06092023
Recital 61				
71	(61) The disclosure to FIUs of facts that could be related to money laundering or to terrorist financing by supervisors is one of the cornerstones of efficient and effective supervision of money laundering and terrorist financing risks. It is therefore necessary for Member States to put in place a system that ensures that FIUs are properly and promptly informed.	(61) The disclosure to FIUs of facts that could be related to money laundering or to terrorist financing by supervisors is one of the cornerstones of efficient and effective supervision of money laundering and terrorist financing risks. It is therefore necessary for Member States to put in place a system that ensures that FIUs are properly and promptly informed.	(61) The disclosure to FIUs of facts that could be related to money laundering or to terrorist financing by supervisors is one of the cornerstones of efficient and effective supervision of money laundering and terrorist financing risks. It is therefore necessary for Member States to put in place a system that ensures that FIUs are properly and promptly informed.	(61) The disclosure to FIUs of facts that could be related to money laundering or to terrorist financing by supervisors is one of the cornerstones of efficient and effective supervision of money laundering and terrorist financing risks. It is therefore necessary for Member States to put in place a system that ensures that FIUs are properly and promptly informed.

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Recital 62				
72	(62) Cooperation between national supervisors is essential to ensure a common supervisory approach across the Union. To be effective, this cooperation has to be leveraged to the greatest extent possible and regardless of the respective nature or status of the supervisors. In addition to traditional cooperation - such as the ability to conduct investigations on behalf of a requesting supervisory authority – it is appropriate to mandate the set-up of AML/CFT supervisory colleges with respect to obliged entities operating under the freedom to provide services or of establishment and with the respect of obliged entities which are part of a group.	(62) Cooperation between national supervisors is essential to ensure a common supervisory approach across the Union. To be effective, this cooperation has to be leveraged to the greatest extent possible and regardless of the respective nature or status of the supervisors. In addition to traditional cooperation - such as the ability to conduct investigations on behalf of a requesting supervisory authority – it is appropriate to mandate the set-up of AML/CFT supervisory colleges with respect to obliged entities operating under the freedom to provide services or of establishment and with the respect of obliged entities which are part of a group.	(62) Cooperation between national supervisors is essential to ensure a common supervisory approach across the Union. To be effective, this cooperation has to be leveraged to the greatest extent possible and regardless of the respective nature or status of the supervisors. In addition to traditional cooperation - such as the ability to conduct investigations on behalf of a requesting supervisory authority – it is appropriate to mandate the set-up of AML/CFT supervisory colleges, <u>including with the participation of third-country financial supervisors under certain conditions and AMLA</u>, with respect to obliged entities operating under the freedom to provide services or of establishment and with the respect of obliged entities which are part of a group. <u>The supervisory activities of AML/CFT supervisory colleges should be proportionate to the level of risk posed by the relevant obliged entity and the scale of significance of cross-border activity.</u>	
Recital 63				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
73	(63) Where an obliged entity operates establishments in another Member State, including through a network of agents, the supervisor of the home Member State should be responsible for supervising the obliged entity's application of group-wide AML/CFT policies and procedures. This could involve on-site visits in establishments based in another Member State. The supervisor of the home Member State should cooperate closely with the supervisor of the host Member State and should inform the latter of any issues that could affect their assessment of the establishment's compliance with the host AML/CFT rules.	(63) Where an obliged entity operates establishments in another Member State, including through a network of agents, the supervisor of the home Member State should be responsible for supervising the obliged entity's application of group-wide AML/CFT policies and procedures. This could involve on-site visits in establishments based in another Member State. The supervisor of the home Member State should cooperate closely with the supervisor of the host Member State and should inform the latter of any issues that could affect their assessment of the establishment's compliance with the host AML/CFT rules.	(63) Where an obliged entity operates establishments in another Member State, including through a network of agents, the supervisor of the home Member State should be responsible for supervising the obliged entity's application of group-wide AML/CFT policies and procedures. This could involve on-site visits in establishments based in another Member State. The supervisor of the home Member State should cooperate closely with the supervisor of the host Member State and should inform the latter of any issues that could affect their assessment of the establishment's compliance with the host AML/CFT rules.	(63) Where an obliged entity operates establishments in another Member State, including through a network of agents, the supervisor of the home Member State should be responsible for supervising the obliged entity's application of group-wide AML/CFT policies and procedures. This could involve on-site visits in establishments based in another Member State. The supervisor of the home Member State should cooperate closely with the supervisor of the host Member State and should inform the latter of any issues that could affect their assessment of the establishment's compliance with the host AML/CFT rules. Text Origin: Commission Proposal
Recital 64				
74	(64) Where an obliged entity operates establishments in another Member State, including through a network of agents, the supervisor of the host Member State retains responsibility for enforcing the establishment's compliance with AML/CFT rules, including, where appropriate, by carrying out onsite inspections and offsite monitoring	(64) Where an obliged entity operates establishments in another Member State, including through a network of agents, the supervisor of the host Member State retains responsibility for enforcing the establishment's compliance with AML/CFT rules, including, where appropriate, by carrying out onsite inspections and offsite monitoring	(64) Where an obliged entity operates establishments in another Member State, including through a network of agents, the supervisor of the host Member State retains responsibility for enforcing the establishment's compliance with AML/CFT rules, including, where appropriate, by carrying out onsite inspections and offsite monitoring	(64) Where an obliged entity operates establishments in another Member State, including through a network of agents, the supervisor of the host Member State retains responsibility for enforcing the establishment's compliance with AML/CFT rules, including, where appropriate, by carrying out onsite inspections and offsite monitoring

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	and by taking appropriate and proportionate measures to address serious infringements of those requirements. The supervisor of the host Member State should cooperate closely with the supervisor of the home Member State and should inform the latter of any issues that could affect its assessment of the obliged entity's application of group AML/CFT policies and procedures. In order to remove serious infringements of AML/CFT rules that require immediate remedies, the supervisor of the host Member State should be able to apply appropriate and proportionate temporary remedial measures, applicable under similar circumstances to obliged entities under their competence, to address such serious failings, where appropriate, with the assistance of, or in cooperation with, the supervisor of the home Member State.	and by taking appropriate and proportionate measures to address serious infringements of those requirements. The supervisor of the host Member State should cooperate closely with the supervisor of the home Member State and should inform the latter of any issues that could affect its assessment of the obliged entity's application of group AML/CFT policies and procedures. In order to remove serious infringements of AML/CFT rules that require immediate remedies, the supervisor of the host Member State should be able to apply appropriate and proportionate temporary remedial measures, applicable under similar circumstances to obliged entities under their competence, to address such serious failings, where appropriate, with the assistance of, or in cooperation with, the supervisor of the home Member State.	and by taking appropriate and proportionate measures to address serious infringements of those requirements. The supervisor of the host Member State should cooperate closely with the supervisor of the home Member State and should inform the latter of any issues that could affect its assessment of the obliged entity's application of group AML/CFT policies and procedures. In order to remove serious infringements of AML/CFT rules that require immediate remedies, the supervisor of the host Member State should be able to apply appropriate and proportionate temporary remedial measures, applicable under similar circumstances to obliged entities under their competence, to address such serious failings, where appropriate, with the assistance of, or in cooperation with, the supervisor of the home Member State.	and by taking appropriate and proportionate measures to address serious infringements of those requirements. The supervisor of the host Member State should cooperate closely with the supervisor of the home Member State and should inform the latter of any issues that could affect its assessment of the obliged entity's application of group AML/CFT policies and procedures. In order to remove serious infringements of AML/CFT rules that require immediate remedies, the supervisor of the host Member State should be able to apply appropriate and proportionate temporary remedial measures, applicable under similar circumstances to obliged entities under their competence, to address such serious failings, where appropriate, with the assistance of, or in cooperation with, the supervisor of the home Member State. Text Origin: Commission Proposal
	Recital 65			
75	(65) To ensure better coordination of efforts and contribute effectively to the needs of the integrated supervisory mechanism, the respective duties of supervisors in	(65) To ensure better coordination of efforts and contribute effectively to the needs of the integrated supervisory mechanism, the respective duties of supervisors in	(65) To ensure better coordination of efforts and contribute effectively to the needs of the integrated supervisory mechanism, the respective duties of supervisors in	(65) To ensure better coordination of efforts and contribute effectively to the needs of the integrated supervisory mechanism, the respective duties of supervisors in

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	relation to those obliged entities should be clarified, and specific, proportionate cooperation mechanisms should be provided for.	relation to those obliged entities should be clarified, and specific, proportionate cooperation mechanisms should be provided for.	relation to those obliged entities should be clarified, and specific, proportionate cooperation mechanisms should be provided for.	relation to those obliged entities should be clarified, and specific, proportionate cooperation mechanisms should be provided for. Text Origin: Commission Proposal
Recital 66				
76	(66) Cross-border groups need to have in place far-reaching group-wide policies and procedures. To ensure that cross-border operations are matched by adequate supervision, there is a need to set out detailed supervisory rules, enabling supervisors of the home Member State and those of the host Member State cooperate with each other to the greatest extent possible, regardless of their respective nature or status, and with AMLA to assess the risks, monitor developments that could affect the various entities that form part of the group and coordinate supervisory action. Given its coordinating role, AMLA should be entrusted with the duty to developing the draft regulatory technical standards defining the detailed respective duties of the home and host supervisors of groups, and the modalities of cooperation between them. The supervision of the effective	(66) Cross-border groups need to have in place far-reaching group-wide policies and procedures. To ensure that cross-border operations are matched by adequate supervision, there is a need to set out detailed supervisory rules, enabling supervisors of the home Member State and those of the host Member State cooperate with each other to the greatest extent possible, regardless of their respective nature or status, and with AMLA to assess the risks, monitor developments that could affect the various entities that form part of the group and coordinate supervisory action. Given its coordinating role, AMLA should be entrusted with the duty to developing the draft regulatory technical standards defining the detailed respective duties of the home and host supervisors of groups, and the modalities of cooperation between them. The supervision of the effective	(66) Cross-border groups need to have in place far-reaching group-wide policies and procedures. To ensure that cross-border operations are matched by adequate supervision, there is a need to set out detailed supervisory rules, enabling supervisors of the home Member State and those of the host Member State cooperate with each other to the greatest extent possible, regardless of their respective nature or status, and with AMLA to assess the risks, monitor developments that could affect the various entities that form part of the group ~~and~~ , coordinate supervisory action <u>and settle disputes by means of binding instructions</u> . Given its coordinating role, AMLA should be entrusted with the duty to developing the draft regulatory technical standards defining the detailed respective duties of the home and host supervisors of groups, and the modalities of cooperation between	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	implementation of group policy on AML/CFT should be done in accordance with the principles and modalities of consolidated supervision as laid down in the relevant European sectoral legislation.	implementation of group policy on AML/CFT should be done in accordance with the principles and modalities of consolidated supervision as laid down in the relevant European sectoral legislation.	them. The supervision of the effective implementation of group policy on AML/CFT should be done in accordance with the principles and modalities of consolidated supervision as laid down in the relevant European sectoral legislation.	
Recital 67				
77	(67) Directive (EU) 2015/849 included a general requirement for supervisors of home and host Member States to cooperate. Such requirements were subsequently strengthened to prevent that the exchange of information and cooperation between supervisors were prohibited or unreasonably restricted. However, in the absence of a clear legal framework, the set-up of AML/CFT supervisory colleges has been based on non-binding guidelines. It is therefore necessary to establish clear rules for the organisation of AML/CFT colleges and to provide for a coordinated, legally sound approach, recognising the need for structured interaction between supervisors across the Union. In line with its coordinating and oversight role, AMLA should be entrusted with developing the draft regulatory technical standards defining the	(67) Directive (EU) 2015/849 included a general requirement for supervisors of home and host Member States to cooperate. Such requirements were subsequently strengthened to prevent that the exchange of information and cooperation between supervisors were prohibited or unreasonably restricted. However, in the absence of a clear legal framework, the set-up of AML/CFT supervisory colleges has been based on non-binding guidelines. It is therefore necessary to establish clear rules for the organisation of AML/CFT colleges and to provide for a coordinated, legally sound approach, recognising the need for structured interaction between supervisors across the Union. In line with its coordinating and oversight role, AMLA should be entrusted with developing the draft regulatory technical standards defining the	(67) Directive (EU) 2015/849 included a general requirement for supervisors of home and host Member States to cooperate. Such requirements were subsequently strengthened to prevent that the exchange of information and cooperation between supervisors were prohibited or unreasonably restricted. However, in the absence of a clear legal framework, the set-up of AML/CFT supervisory colleges has been based on non-binding guidelines. It is therefore necessary to establish clear rules for the organisation of AML/CFT colleges and to provide for a coordinated, legally sound approach, recognising the need for structured interaction between supervisors across the Union. In line with its coordinating and oversight role, AMLA should be entrusted with developing the draft regulatory technical standards defining the	(67) Directive (EU) 2015/849 included a general requirement for supervisors of home and host Member States to cooperate. Such requirements were subsequently strengthened to prevent that the exchange of information and cooperation between supervisors were prohibited or unreasonably restricted. However, in the absence of a clear legal framework, the set-up of AML/CFT supervisory colleges has been based on non-binding guidelines. It is therefore necessary to establish clear rules for the organisation of AML/CFT colleges and to provide for a coordinated, legally sound approach, recognising the need for structured interaction between supervisors across the Union. In line with its coordinating and oversight role, AMLA should be entrusted with developing the draft regulatory technical standards defining the

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	general conditions that enable the proper functioning of AML/CFT supervisory colleges.	general conditions that enable the proper functioning of AML/CFT supervisory colleges.	general conditions that enable the proper functioning of AML/CFT supervisory colleges.	general conditions that enable the proper functioning of AML/CFT supervisory colleges. Text Origin: Commission Proposal
Recital 68				
78	(68) Exchange of information and cooperation between supervisors is essential in the context of increasingly integrated global financial systems. On the one hand, Union supervisors, including AMLA, should inform each other of instances in which the law of a third country does not permit the implementation of the policies and procedures required under Regulation [please insert reference – proposal for Anti-Money Laundering Regulation]. On the other hand, Member States should be enabled to authorise supervisors to conclude cooperation agreements providing for collaboration and exchanges of confidential information with their counterparts in third countries, in compliance with applicable rules for personal data transfers. Given its oversight role, AMLA should lend assistance as may be necessary to assess the equivalence of professional secrecy requirements applicable to the third	(68) Exchange of information and cooperation between supervisors is essential in the context of increasingly integrated global financial systems. On the one hand, Union supervisors, including AMLA, should inform each other of instances in which the law of a third country does not permit the implementation of the policies and procedures required under Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation]~~ . On the other hand, Member States should be enabled to authorise supervisors to conclude cooperation agreements providing for collaboration and exchanges of confidential information with their counterparts in third countries, in compliance with applicable rules for personal data transfers. Given its oversight role, AMLA should lend assistance as may be necessary to	(68) Exchange of information and cooperation between supervisors is essential in the context of increasingly integrated global financial systems. On the one hand, Union supervisors, including AMLA, should inform each other of instances in which the law of a third country does not permit the implementation of the policies and procedures required under Regulation [please insert reference – proposal for Anti-Money Laundering Regulation]. On the other hand, Member States should be enabled to authorise supervisors to conclude cooperation agreements providing for collaboration and exchanges of confidential information with their counterparts in third countries, in compliance with applicable rules for personal data transfers. Given its oversight role, AMLA should lend assistance as may be necessary to assess the equivalence of professional secrecy requirements applicable to the third	

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	country counterpart.	assess the equivalence of professional secrecy requirements applicable to the third country counterpart.	country counterpart.	
Recital 69				
79	(69) Directive (EU) 2015/849 allowed Member States to entrust the supervision of some obliged entities to self-regulatory bodies. However, the quality and intensity of supervision performed by such self-regulatory bodies has been insufficient, and under no or close to no public scrutiny. Where a Member State decides to entrust supervision to a self-regulatory body, it should also designate a public authority to oversee the activities of the self-regulatory body to ensure that the performance of those activities is in line with the requirements of this Directive.	(69) Directive (EU) 2015/849 allowed Member States to entrust the supervision of some obliged entities to self-regulatory bodies. However, the quality and intensity of supervision performed by such self-regulatory bodies has been insufficient, and under no or close to no public scrutiny. Where a Member State decides to entrust supervision to a self-regulatory body, it should also designate a public authority to oversee the activities of the self-regulatory body to ensure that the performance of those activities is in line with the requirements of this Directive.	(69) Directive (EU) 2015/849 allowed Member States to entrust the supervision of some obliged entities to self-regulatory bodies. However, the quality and intensity of supervision performed by such self-regulatory bodies has been insufficient, and under no or close to no public scrutiny. Where a Member State decides to entrust supervision to a self-regulatory body, it should also designate a public authority to oversee the activities of the self-regulatory body to ensure that the performance of those activities is in line with the requirements of this Directive. <u>That public authority should be operationally independent and autonomous and should carry out its functions free of political, government or industry influence or interference.</u>	
Recital 70				
80	(70) The importance of combating money laundering and terrorist financing should result in Member	(70) The importance of combating money laundering and terrorist financing should result in Member	(70) The importance of combating money laundering and terrorist financing should result in Member	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	States laying down effective, proportionate and dissuasive administrative sanctions and measures in national law for failure to respect the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation]. National supervisors should be empowered by Member States to impose such measures to obliged entities to remedy the situation in the case of breaches and, where the breach so justifies, issue pecuniary sanctions. The range of sanctions and measures should be sufficiently broad to allow Member States and competent authorities to take account of the differences between obliged entities, in particular between credit institutions and financial institutions and other obliged entities, as regards their size, characteristics and the nature of the business.	States laying down effective, proportionate and dissuasive ~~administrative~~ sanctions and measures in national law for failure to respect the requirements of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation]~~ . National supervisors should be empowered by Member States to impose such measures to obliged entities to remedy the situation in the case of breaches and, where the breach so justifies, issue pecuniary sanctions. The range of sanctions and measures should be sufficiently broad to allow Member States and competent authorities to take account of the differences between obliged entities, in particular between credit institutions and financial institutions and other obliged entities, as regards their size, characteristics and the nature of the business.	States laying down effective, proportionate and dissuasive administrative sanctions and measures in national law for failure to respect the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation]. National supervisors should be empowered by Member States to impose such measures to obliged entities to remedy the situation in the case of breaches and, where the breach so justifies, issue pecuniary sanctions. The range of sanctions and measures should be sufficiently broad to allow Member States and competent authorities to take account of the differences between obliged entities, in particular between credit institutions ~~and~~ financial institutions and other obliged entities, as regards their size, characteristics and the nature of the business.	
Recital 71				
81	(71) Member States currently have a diverse range of administrative sanctions and measures for breaches of the key preventative provisions in place and an inconsistent approach to investigating and sanctioning	(71) Member States currently have a diverse range of administrative sanctions and measures for breaches of the key preventative provisions in place and an inconsistent approach to investigating and sanctioning	(71) Member States currently have a diverse range of administrative sanctions and measures for breaches of the key preventative provisions in place and an inconsistent approach to investigating and sanctioning	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	violations of anti-money laundering requirements, nor is there a common understanding among supervisors as to what should constitute a "serious" violation and thus distinguish when an administrative sanction should be imposed. That diversity is detrimental to the efforts made in combating money laundering and terrorist financing and the Union's response is fragmented. Therefore, common criteria for determining the most appropriate supervisory response to breaches should be laid down and a range of administrative measures that the supervisors could impose when the breaches are not sufficiently serious to be punished with an administrative sanction should be provided. In order to incentivise obliged entities to comply with the provisions of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation], it is necessary to strengthen the dissuasive nature of administrative sanctions. Accordingly, the minimum amount of the maximum penalty that can be imposed in case of serious breaches of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] should be raised. In transposing this Directive, Member States should ensure that the imposition of administrative	violations of anti-money laundering requirements, nor is there a common understanding among supervisors as to what should constitute a "serious" violation and thus distinguish when an administrative sanction should be imposed. That diversity is detrimental to the efforts made in combating money laundering and terrorist financing and the Union's response is fragmented. Therefore, common criteria for determining the most appropriate supervisory response to breaches should be laid down and a range of administrative measures that the supervisors could impose when the breaches are not sufficiently serious to be punished with an administrative sanction should be provided. In order to incentivise obliged entities to comply with the provisions of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation]</u>~~[please insert reference – proposal for Anti-Money Laundering Regulation]~~, it is necessary to strengthen the dissuasive nature of administrative sanctions. Accordingly, the minimum amount of the maximum penalty that can be imposed in case of serious breaches of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation]</u>~~[please insert reference – proposal for Anti-Money~~	violations of anti-money laundering requirements, nor is there a common understanding among supervisors as to what should constitute a "serious" violation and thus distinguish when an administrative sanction should be imposed. That diversity is detrimental to the efforts made in combating money laundering and terrorist financing and the Union's response is fragmented. Therefore, common criteria for determining the most appropriate supervisory response to breaches should be laid down and a range of administrative measures that the supervisors could impose when the breaches are not sufficiently serious to be punished with an administrative sanction should be provided. In order to incentivise obliged entities to comply with the provisions of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation], it is necessary to strengthen the dissuasive nature of administrative sanctions. Accordingly, the minimum amount of the maximum penalty that can be imposed in case of serious breaches of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] should be raised, <u>in a proportionate and adequate way. In that regard, it is essential that regulatory technical standards are</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	sanctions and measures, and of criminal sanctions in accordance with national law, does not breach the principle of ne bis in idem.	~~Laundering Regulation~~ should be raised. In transposing this Directive, Member States should ensure that <u>they do not breach the principle of ne bis in idem by imposing the imposition of</u> administrative sanctions and measures, and ~~of~~ criminal sanctions in accordance with national law, ~~does not breach the principle of ne bis in idem.~~	<u>developed to define indicators to classify the level of gravity of breaches and the criteria to be taken into account when setting the level of sanctions, including minimum and maximum values of pecuniary sanctions in accordance with the level of gravity, and to address appropriately situations of repeated breaches. Member States should also ensure that legal persons can be held liable for breaches committed for their benefit by any natural person, acting individually or as part of an body of that legal person and having a leading position within the legal person, or where the lack of supervision or control has made possible the commission of breaches.</u> In transposing this Directive, Member States should ensure that the imposition of administrative sanctions and measures, and of criminal sanctions in accordance with national law, does not breach the principle of ne bis in idem.	

Recital 72

82	(72) Obligated entities can benefit from the freedom to provide services and to establish across the internal market to offer their products and services across the Union. An	(72) Obligated entities can benefit from the freedom to provide services and to establish across the internal market to offer their products and services across the Union. An	(72) Obligated entities can benefit from the freedom to provide services and to establish across the internal market to offer their products and services across the Union. An	(72) Obligated entities can benefit from the freedom to provide services and to establish across the internal market to offer their products and services across the Union. An

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	effective supervisory system requires that supervisors are aware of the weaknesses in obliged entities' compliance with AML/CFT rules. It is therefore important that supervisors are able to inform one another of administrative sanctions and measures imposed on obliged entities, when such information would be relevant for other supervisors too.	effective supervisory system requires that supervisors are aware of the weaknesses in obliged entities' compliance with AML/CFT rules. It is therefore important that supervisors are able to inform one another of administrative sanctions and measures imposed on obliged entities, when such information would be relevant for other supervisors too.	effective supervisory system requires that supervisors are aware of the weaknesses in obliged entities' compliance with AML/CFT rules. It is therefore important that supervisors are able to inform one another of administrative sanctions and measures imposed on obliged entities, when such information would be relevant for other supervisors too.	effective supervisory system requires that supervisors are aware of the weaknesses in obliged entities' compliance with AML/CFT rules. It is therefore important that supervisors are able to inform one another of administrative sanctions and measures imposed on obliged entities, when such information would be relevant for other supervisors too. Text Origin: Commission Proposal
Recital 73				
83	(73) Publication of an administrative sanction or measure for breach of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] can have a strong dissuasive effect against repetition of such breach. It also informs other entities of the money laundering and financing of terrorism risks associated with the sanctioned obliged entity before entering into a business relationship and assists supervisors in other Member States in relation to the risks associated with an obliged entity when it operates in their Member State on a cross-border basis. For those reasons, the requirement to publish decisions on	(73) Publication of an administrative sanction or measure for breach of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation]~~ can have a strong dissuasive effect against repetition of such breach. It also informs other entities of the money laundering and financing of terrorism risks associated with the sanctioned obliged entity before entering into a business relationship and assists supervisors in other Member States in relation to the risks associated with an obliged entity when it operates in their	(73) Publication of an administrative sanction or measure for breach of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] can have a strong dissuasive effect against repetition of such breach. It also informs other entities of the money laundering and financing of terrorism risks associated with the sanctioned obliged entity before entering into a business relationship and assists supervisors in other Member States in relation to the risks associated with an obliged entity when it operates in their Member State on a cross-border basis. For those reasons, the requirement to publish decisions on	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	sanctions against which there is no appeal should be confirmed. However, any such publication should be proportionate and, in the taking of a decision whether to publish an administrative sanction or measure, supervisors should take into account the gravity of the breach and the dissuasive effect that the publication is likely to achieve.	Member State on a cross-border basis. For those reasons, the requirement to publish decisions on sanctions against which there is no appeal should be confirmed. However, any such publication should be proportionate and, in the taking of a decision whether to publish an administrative sanction or measure, supervisors should take into account the gravity of the breach and the dissuasive effect that the publication is likely to achieve.	sanctions ~~against which there is no appeal~~ <u>where such decisions are no longer subject to internal review</u> should be confirmed. However, any such publication should be proportionate and, in the taking of a decision whether to publish an administrative sanction or measure, supervisors should take into account the gravity of the breach and the dissuasive effect that the publication is likely to achieve.	
Recital 74				
84	(74) There have been a number of cases where employees who have reported their suspicions of money laundering have been subjected to threats or hostile action. It is crucial that this issue be addressed to ensure effectiveness of the AML/CFT system. Member States should be aware of this problem and should do whatever they can to protect individuals, including employees and representatives of the obliged entity, from such threats or hostile action, and to provide, in accordance with national law, appropriate protection to such persons, particularly with regard to their right to the protection of their personal data and their rights to effective judicial protection and	(74) There have been a number of cases where employees who have reported their suspicions of money laundering have been subjected to threats or hostile action. It is crucial that this issue be addressed to ensure effectiveness of the AML/CFT system. Member States should be aware of this problem and should do whatever they can to protect individuals, including employees and representatives of the obliged entity, from such threats or hostile action, and to provide, in accordance with national law, appropriate protection to such persons, particularly with regard to their right to the protection of their personal data and their rights to effective judicial protection and	(74) There have been a number of cases where employees who have reported their suspicions of money laundering <u>or of violations of AML/CFT requirements</u> have been subjected to threats or hostile action. It is crucial that this issue be addressed to ensure effectiveness of the AML/CFT system. Member States should be aware of this problem and should ~~do whatever they can to~~ protect individuals, including employees, <u>such as data protection officers and AML compliance officers, and other</u> ~~and~~ representatives of the obliged entity, from such threats or hostile action, and ~~to~~ provide, in accordance with <u>Union and national law, in particular Directive EU 2019/1937,</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	representation.	representation.	appropriate protection to such persons, particularly with regard to their right to the protection of their personal data and their rights to effective judicial protection and representation. <u>Member States should apply the same approach with regard to employees of competent authorities, in particular staff from supervisory authorities or self-regulatory bodies who report potential or actual breaches of AML/CFT requirements.</u>	
Recital 75				
85	(75) The new fully-integrated and coherent anti-money laundering and counter-terrorist financing policy at Union level, with designated roles for both Union and national competent authorities and with a view to ensure their smooth and constant cooperation. In that regard, cooperation between all national and Union AML/CFT authorities is of the utmost importance and should be clarified and enhanced. Internally, it remains the duty of Member States to provide for the necessary rules to ensure that policy makers, the FIUs, supervisors, including AMLA, and other competent authorities involved in AML/CFT, as well as tax authorities and law enforcement authorities when acting within the	(75) The new fully-integrated and coherent anti-money laundering and counter-terrorist financing policy at Union level, with designated roles for both Union and national competent authorities and with a view to ensure their smooth and constant cooperation. In that regard, cooperation between all national and Union AML/CFT authorities is of the utmost importance and should be clarified and enhanced. Internally, it remains the duty of Member States to provide for the necessary rules to ensure that policy makers, the FIUs, supervisors, including AMLA, and other competent authorities involved in AML/CFT, as well as tax authorities and law enforcement authorities when acting within the	(75) The new fully-integrated and coherent anti-money laundering and counter-terrorist financing policy at Union level, with designated roles for both Union and national competent authorities and with a view to ensure their smooth and constant cooperation. In that regard, cooperation between all national and Union AML/CFT authorities is of the utmost importance and should be clarified and enhanced <u>in order to combat money laundering and terrorist financing and to prevent the non-implementation and evasion of targeted financial sanctions</u> . Internally, it remains the duty of Member States to provide for the necessary rules to ensure that policy makers, the FIUs,	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	scope of this Directive, have effective mechanisms to enable them to cooperate and coordinate, including through a restrictive approach to the refusal by competent authorities to cooperate and exchange information at the request of another competent authority.	scope of this Directive, have effective mechanisms to enable them to cooperate and coordinate, including through a restrictive approach to the refusal by competent authorities to cooperate and exchange information at the request of another competent authority.	supervisors, including AMLA, and other competent authorities involved in AML/CFT, as well as tax authorities and law enforcement authorities when acting within the scope of this Directive, have effective mechanisms to enable them to cooperate and coordinate, including <u>with other Union bodies and</u> through a restrictive approach to the refusal by competent authorities to cooperate and exchange information at the request of another competent authority.	
Recital 76				
86	(76) In order to facilitate and promote effective cooperation, and in particular the exchange of information, Member States should be required to communicate to the Commission and AMLA the list of their competent authorities and relevant contact details.	(76) In order to facilitate and promote effective cooperation, and in particular the exchange of information, Member States should be required to communicate to the Commission and AMLA the list of their competent authorities and relevant contact details.	(76) In order to facilitate and promote effective cooperation, and in particular the exchange of information, Member States should be required to communicate to the Commission and AMLA the list of their competent authorities and <u>registers and their</u> relevant contact details. <u>That list should take into account existing expertise and available networks, such as the expertise gained by the competent authorities of Member States and of third countries through their cooperation with Europol in their fight against money laundering and terrorist financing.</u>	
Recital 77				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
87	(77) The risk of money laundering and terrorist financing can be detected by all supervisors in charge of credit institutions. Information of a prudential nature relating to credit and financial institutions, such as information relating to the fitness and properness of directors and shareholders, to the internal control mechanisms, to governance or to compliance and risk management, is often indispensable for the adequate AML/CFT supervision of such institutions. Similarly, AML/CFT information is also important for the prudential supervision of such institutions. Therefore, cooperation and exchange of information with AML/CFT supervisors and FIU should be extended to all competent authorities in charge of the supervision of those obliged entities in accordance with other Union legal instruments, such as Directive (EU) 2013/36¹, Directive (EU) 2014/49², Directive (EU) 2014/59³, Directive (EU) 2014/92⁴ and Directive (EU) 2015/2366 of the European Parliament and of the Council⁵. To ensure the effective implementation of this cooperation, Member States should inform the AMLA annually of the exchanges carried out. 1. Directive 2013/36/EU of the European Parliament and of the Council of 26 June	(77) The risk of money laundering and terrorist financing can be detected by all supervisors in charge of credit institutions. Information of a prudential nature relating to credit and financial institutions, such as information relating to the fitness and properness of directors and shareholders, to the internal control mechanisms, to governance or to compliance and risk management, is often indispensable for the adequate AML/CFT supervision of such institutions. Similarly, AML/CFT information is also important for the prudential supervision of such institutions. Therefore, cooperation and exchange of information with AML/CFT supervisors and FIU should be extended to all competent authorities in charge of the supervision of those obliged entities in accordance with other Union legal instruments, such as Directive (EU) 2013/36¹, Directive (EU) 2014/49², Directive (EU) 2014/59³, Directive (EU) 2014/92⁴ and Directive (EU) 2015/2366 of the European Parliament and of the Council⁵. To ensure the effective implementation of this cooperation, Member States should inform the AMLA annually of the exchanges carried out. 1. Directive 2013/36/EU of the European Parliament and of the Council of 26 June	(77) The risk of money laundering and terrorist financing can be detected by all supervisors in charge of credit institutions. Information of a prudential nature relating to credit and financial institutions, such as information relating to the fitness and properness of directors and shareholders, to the internal control mechanisms, to governance or to compliance and risk management, is often indispensable for the adequate AML/CFT supervision of such institutions. Similarly, AML/CFT information is also important for the prudential supervision of such institutions. Therefore, cooperation and exchange of information with AML/CFT supervisors and FIU should be extended to all competent authorities in charge of the supervision of those obliged entities in accordance with other Union legal instruments, such as Directive (EU) 2013/36¹, Directive (EU) 2014/49², Directive (EU) 2014/59³, Directive (EU) 2014/92⁴ and Directive (EU) 2015/2366 of the European Parliament and of the Council⁵. To ensure the effective implementation of this cooperation, Member States should inform the AMLA annually of the exchanges carried out. 1. Directive 2013/36/EU of the European Parliament and of the Council of 26 June	(77) The risk of money laundering and terrorist financing can be detected by all supervisors in charge of credit institutions. Information of a prudential nature relating to credit and financial institutions, such as information relating to the fitness and properness of directors and shareholders, to the internal control mechanisms, to governance or to compliance and risk management, is often indispensable for the adequate AML/CFT supervision of such institutions. Similarly, AML/CFT information is also important for the prudential supervision of such institutions. Therefore, cooperation and exchange of information with AML/CFT supervisors and FIU should be extended to all competent authorities in charge of the supervision of those obliged entities in accordance with other Union legal instruments, such as Directive (EU) 2013/36¹, Directive (EU) 2014/49², Directive (EU) 2014/59³, Directive (EU) 2014/92⁴ and Directive (EU) 2015/2366 of the European Parliament and of the Council⁵. To ensure the effective implementation of this cooperation, Member States should inform the AMLA annually of the exchanges carried out. 1. Directive 2013/36/EU of the European Parliament and of the Council of 26 June

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338). 2. Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit guarantee schemes (OJ L 173, 12.6.2014, p. 149). 3. Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190). 4. Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (OJ L 257, 28.8.2014, p. 214). 5. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).	2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338). 2. Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit guarantee schemes (OJ L 173, 12.6.2014, p. 149). 3. Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190). 4. Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (OJ L 257, 28.8.2014, p. 214). 5. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).	2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338). 2. Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit guarantee schemes (OJ L 173, 12.6.2014, p. 149). 3. Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190). 4. Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (OJ L 257, 28.8.2014, p. 214). 5. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).	2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338). 2. Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit guarantee schemes (OJ L 173, 12.6.2014, p. 149). 3. Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190). 4. Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (OJ L 257, 28.8.2014, p. 214). 5. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35). Text Origin: Commission Proposal
Recital 78				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
88	(78) Cooperation with other authorities competent for supervising credit institutions under Directive (EU) 2014/92 and Directive (EU) 2015/2366 has the potential to reduce unintended consequences of AML/CFT requirements. Credit institutions may choose to terminate or restrict business relationships with customers or categories of customers in order to avoid, rather than manage, risk. Such de-risking practices may weaken the AML/CFT framework and the detection of suspicious transactions, as they push affected customers to resort to less secure or unregulated payment channels to meet their financial needs. At the same time, widespread de-risking practices in the banking sector may lead to financial exclusion for certain categories of payment entities or consumers. Financial supervisors are best placed to identify situations where a credit institution has refused to enter into a business relationship despite possibly being obliged to do so on the basis of the national law implementing Directive (EU) 2014/92 or Directive (EU) 2015/2366, and without a justification based on the documented customer due diligence. Financial supervisors should alert	(78) Cooperation with other authorities competent for supervising credit institutions under Directive (EU) 2014/92 and Directive (EU) 2015/2366 has the potential to reduce unintended consequences of AML/CFT requirements. Credit institutions may choose to terminate or restrict business relationships with customers or categories of customers in order to avoid, rather than manage, risk. Such de-risking practices may weaken the AML/CFT framework and the detection of suspicious transactions, as they push affected customers to resort to less secure or unregulated payment channels to meet their financial needs. At the same time, widespread de-risking practices in the banking sector may lead to financial exclusion for certain categories of payment entities or consumers. Financial supervisors are best placed to identify situations where a credit institution has refused to enter into a business relationship despite possibly being obliged to do so on the basis of the national law implementing Directive (EU) 2014/92 or Directive (EU) 2015/2366, and without a justification based on the documented customer due diligence. Financial supervisors should alert	(78) Cooperation with other authorities competent for supervising credit institutions under Directive (EU) 2014/92 and Directive (EU) 2015/2366 has the potential to reduce unintended consequences of AML/CFT requirements. Credit institutions may choose to terminate or restrict business relationships with customers or categories of customers in order to avoid, rather than manage, risk. Such de-risking practices may weaken the AML/CFT framework and the detection of suspicious transactions, as they push affected customers to resort to less secure or unregulated payment channels to meet their financial needs. At the same time, widespread de-risking practices in the banking sector may lead to financial exclusion for certain categories of payment entities or consumers. Financial supervisors are best placed to identify situations where a credit institution has refused to enter into a business relationship despite possibly being obliged to do so on the basis of the national law implementing Directive (EU) 2014/92 or Directive (EU) 2015/2366, and without a justification based on the documented customer due diligence. Financial supervisors should alert	(78) Cooperation with other authorities competent for supervising credit institutions under Directive (EU) 2014/92 and Directive (EU) 2015/2366 has the potential to reduce unintended consequences of AML/CFT requirements. Credit institutions may choose to terminate or restrict business relationships with customers or categories of customers in order to avoid, rather than manage, risk. Such de-risking practices may weaken the AML/CFT framework and the detection of suspicious transactions, as they push affected customers to resort to less secure or unregulated payment channels to meet their financial needs. At the same time, widespread de-risking practices in the banking sector may lead to financial exclusion for certain categories of payment entities or consumers. Financial supervisors are best placed to identify situations where a credit institution has refused to enter into a business relationship despite possibly being obliged to do so on the basis of the national law implementing Directive (EU) 2014/92 or Directive (EU) 2015/2366, and without a justification based on the documented customer due diligence. Financial supervisors should alert

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	the authorities responsible for ensuring compliance by financial institution with Directive (EU) 2014/92 or Directive (EU) 2015/2366 when such cases arise.	the authorities responsible for ensuring compliance by financial institution with Directive (EU) 2014/92 or Directive (EU) 2015/2366 when such cases arise.	the authorities responsible for ensuring compliance by financial institution with Directive (EU) 2014/92 or Directive (EU) 2015/2366 when such cases arise.	the authorities responsible for ensuring compliance by financial institution with Directive (EU) 2014/92 or Directive (EU) 2015/2366 when such cases arise. Text Origin: Commission Proposal
Recital 78a				
88a			<u>(78a) Member States should ensure that credit institutions and financial institutions located on their territory provide legal persons and natural persons who are legally resident in the Union, including natural persons with no fixed address, asylum seekers and natural persons who have not been granted a residence permit but whose expulsion is impossible for legal or factual reasons, the right to open and use a payment account with basic features. Such a right should apply irrespective of the natural person's place of residence. Such a right does not, in any way, exempt obliged entities from their obligations under this Directive and Regulation ... [please insert reference to Anti-Money Laundering Regulation - 2021/0239(COD)], in particular their obligation to ensure that proper due diligence checks are</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>carried out on the persons in question.</u>	
Recital 79				
89	(79) The cooperation between financial supervisors and the authorities responsible for crisis management of credit institutions and investment firms, such as in particular Deposit Guarantee Scheme designated authorities and resolution authorities, is necessary to reconcile the objectives to prevent money laundering under this Directive and to protect financial stability and depositors under the Directives 2014/49/EU and 2014/59/EU. Financial supervisors should oversee the performance of customer due diligence where the credit institution has been determined failing or likely to fail or when the deposits are defined as unavailable, and the reporting of any suspicious transactions to the FIU. Financial supervisors should inform the authorities responsible for crisis management of credit institutions and investment firms of any relevant outcome from the customer due diligence performed and of any account that has been suspended by the FIU.	(79) The cooperation between financial supervisors and the authorities responsible for crisis management of credit institutions and investment firms, such as in particular Deposit Guarantee Scheme designated authorities and resolution authorities, is necessary to reconcile the objectives to prevent money laundering under this Directive and to protect financial stability and depositors under the Directives 2014/49/EU and 2014/59/EU. Financial supervisors should oversee the performance of customer due diligence where the credit institution has been determined failing or likely to fail or when the deposits are defined as unavailable, and the reporting of any suspicious transactions to the FIU. Financial supervisors should inform the authorities responsible for crisis management of credit institutions and investment firms of any relevant outcome from the customer due diligence performed and of any account that has been suspended by the FIU.	(79) The cooperation between financial supervisors and the authorities responsible for crisis management of credit institutions and investment firms, such as in particular Deposit Guarantee Scheme designated authorities and resolution authorities, is necessary to reconcile the objectives to prevent money laundering under this Directive and to protect financial stability and depositors under the Directives 2014/49/EU and 2014/59/EU. Financial supervisors should oversee the performance <u>and quality</u> of customer due diligence <u>processes</u> where the credit institution has been determined failing or likely to fail or when the deposits are defined as unavailable, and the reporting of any suspicious transactions to the FIU. Financial supervisors should inform the authorities responsible for crisis management of credit institutions and investment firms of any relevant outcome from the customer due diligence performed and of any account that has been suspended by the FIU.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Recital 80				
90	(80) To facilitate such cooperation in relation to credit institutions, AMLA, in consultation with the European Banking Authority, should issue guidelines specifying the main elements of such cooperation including how information should be exchanged.	(80) To facilitate such cooperation in relation to credit institutions, AMLA, in consultation with the European Banking Authority, should issue guidelines specifying the main elements of such cooperation including how information should be exchanged.	(80) To facilitate such cooperation in relation to credit institutions, AMLA, in consultation with the European Banking Authority, should issue guidelines specifying the main elements of such cooperation including how information should be exchanged.	(80) To facilitate such cooperation in relation to credit institutions, AMLA, in consultation with the European Banking Authority, should issue guidelines specifying the main elements of such cooperation including how information should be exchanged. Text Origin: Commission Proposal
Recital 81				
91	(81) Cooperation mechanisms should also extend to the authorities in charge of the supervision and oversight of auditors, as such cooperation can enhance the effectiveness of the Union anti-money laundering framework.	(81) Cooperation mechanisms should also extend to the authorities in charge of the supervision and oversight of auditors, as such cooperation can enhance the effectiveness of the Union anti-money laundering framework.	(81) Cooperation mechanisms should also extend to the authorities in charge of the supervision and oversight of auditors, as such cooperation can enhance the effectiveness of the Union anti-money laundering framework.	(81) Cooperation mechanisms should also extend to the authorities in charge of the supervision and oversight of auditors, as such cooperation can enhance the effectiveness of the Union anti-money laundering framework. Text Origin: Commission Proposal
Recital 82				
92	(82) The exchange of information and the provision of assistance between competent authorities of the Members States is essential for the purposes of this Directive. Consequently, Member States should not prohibit or place	(82) The exchange of information and the provision of assistance between competent authorities of the Members States is essential for the purposes of this Directive. Consequently, Member States should not prohibit or place	(82) The exchange of information and the provision of assistance between competent authorities of the Members States is essential for the purposes of this Directive. Consequently, Member States should not prohibit or place	(82) The exchange of information and the provision of assistance between competent authorities of the Members States is essential for the purposes of this Directive. Consequently, Member States should not prohibit or place

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	unreasonable or unduly restrictive conditions on this exchange of information and provision of assistance.	unreasonable or unduly restrictive conditions on this exchange of information and provision of assistance.	unreasonable or unduly restrictive conditions on this exchange of information and provision of assistance.	unreasonable or unduly restrictive conditions on this exchange of information and provision of assistance. Text Origin: Commission Proposal
Recital 83				
93	(83) Supervisors should be able to cooperate and exchange confidential information, regardless of their respective nature or status. To this end, they should have an adequate legal basis for exchange of confidential information and for cooperation. Exchange of information and cooperation with other authorities competent for supervising or overseeing obliged entities under other Union acts should not be hampered unintentionally by legal uncertainty which may stem from a lack of explicit provisions in this field. Clarification of the legal framework is even more important since prudential supervision has, in a number of cases, been entrusted to non-AML/CFT supervisors, such as the European Central Bank (ECB).	(83) Supervisors should be able to cooperate and exchange confidential information, regardless of their respective nature or status. To this end, they should have an adequate legal basis for exchange of confidential information and for cooperation. Exchange of information and cooperation with other authorities competent for supervising or overseeing obliged entities under other Union acts should not be hampered unintentionally by legal uncertainty which may stem from a lack of explicit provisions in this field. Clarification of the legal framework is even more important since prudential supervision has, in a number of cases, been entrusted to non-AML/CFT supervisors, such as the European Central Bank (ECB).	(83) Supervisors should be able to cooperate and exchange confidential information, regardless of their respective nature or status. To this end, they should have an adequate legal basis for exchange of confidential information and for cooperation. Exchange of information and cooperation with other authorities competent for supervising or overseeing obliged entities under other Union acts should not be hampered unintentionally by legal uncertainty which may stem from a lack of explicit provisions in this field. Clarification of the legal framework is even more important since prudential supervision has, in a number of cases, been entrusted to non-AML/CFT supervisors, such as the European Central Bank (ECB). <u>When imposing administrative sanctions and supervisory measures on obliged entities, or performing other tasks necessitating</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>coordination between supervisors and non-AML/CFT authorities, the authorities concerned should take into account the differences between their respective supervisory mandates and cooperate accordingly.</u>	
Recital 83a				
93a			<u>(83a) The exchange of information among supervisors and with other authorities is a key enabler in order to ensure the effectiveness of the Union AML/CFT framework. Member States should authorise the exchange of information between supervisors and other relevant authorities, including, where relevant, the European Public Prosecutor's Office (EPPO) and OLAF with regard to possible cases pertaining to their respective legal mandates. Confidential information exchanged should only be used in the discharge of the duties of the authorities concerned and in the context of administrative or judicial proceedings specifically related to the discharge of those duties.</u>	
Recital 84				
94	(84) The effectiveness of the Union AML/CFT framework relies on the	(84) The effectiveness of the Union AML/CFT framework relies on the	(84) The effectiveness of the Union AML/CFT framework relies on the	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	cooperation between a wide array of competent authorities. To facilitate such cooperation, AMLA should be entrusted to develop guidelines in coordination with the ECB, the European Supervisory Authorities, Europol, Eurojust, and the European Public Prosecutor's Office on cooperation between all competent authorities. Such guidelines should also describe how authorities competent for the supervision or oversight of obliged entities under other Union acts should take into account money laundering and terrorist financing concerns in the performance of their duties.	cooperation between a wide array of competent authorities. To facilitate such cooperation, AMLA should be entrusted to develop guidelines in coordination with the ECB, the European Supervisory Authorities, Europol, Eurojust, and the European Public Prosecutor's Office on cooperation between all competent authorities. Such guidelines should also describe how authorities competent for the supervision or oversight of obliged entities under other Union acts should take into account money laundering and terrorist financing concerns in the performance of their duties.	cooperation between a wide array of competent authorities. To facilitate such cooperation, AMLA should be entrusted to develop guidelines in coordination with the ECB, the European Supervisory Authorities, Europol, Eurojust, and the European Public Prosecutor's Office on cooperation between all competent authorities <u>at Union and national level</u> . Such guidelines should also describe how authorities competent for the supervision or oversight of obliged entities under other Union acts should take into account money laundering and terrorist financing concerns in the performance of their duties.	
Recital 85				
95	(85) Regulation (EU) 2016/679 applies to the processing of personal data for the purposes of this Directive. Regulation (EU) 2018/1725 of the European Parliament and of the Council ¹ applies to the processing of personal data by the Union institutions and bodies for the purposes of this Directive. The fight against money laundering and terrorist financing is recognised as an important public interest ground by all Member States. However, competent authorities responsible for	(85) Regulation (EU) 2016/679 applies to the processing of personal data for the purposes of this Directive. Regulation (EU) 2018/1725 of the European Parliament and of the Council ¹ applies to the processing of personal data by the Union institutions and bodies for the purposes of this Directive. The fight against money laundering and terrorist financing is recognised as an important public interest ground by all Member States. However, competent authorities responsible for	(85) Regulation (EU) 2016/679 applies to the processing of personal data for the purposes of this Directive. Regulation (EU) 2018/1725 of the European Parliament and of the Council ¹ applies to the processing of personal data by the Union institutions and bodies for the purposes of this Directive. The fight against money laundering and terrorist financing is recognised as an important public interest ground by all Member States. However, competent authorities responsible for	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	investigating or prosecuting money laundering, its predicate offences or terrorist financing, or those which have the function of tracing, seizing or freezing and confiscating criminal assets should respect the rules pertaining to the protection of personal data processed in the framework of police and judicial cooperation in criminal matters, including Directive (EU) 2016/680 of the European Parliament and of the Council². 1. 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). 2. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).	investigating or prosecuting money laundering, its predicate offences or terrorist financing, or those which have the function of tracing, seizing or freezing and confiscating criminal assets should respect the rules pertaining to the protection of personal data processed in the framework of police and judicial cooperation in criminal matters, including Directive (EU) 2016/680 of the European Parliament and of the Council². <u>Member States should also be able to apply Directive 2016/680, as well as relevant national law where appropriate, to the processing of data by their FIU, based on the sensitive nature of their activities and their relevance to national security.</u> 1. 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). 2. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and	investigating or prosecuting money laundering, its predicate offences or terrorist financing, or those which have the function of tracing, seizing or freezing and confiscating criminal assets should respect the rules pertaining to the protection of personal data processed in the framework of police and judicial cooperation in criminal matters, including Directive (EU) 2016/680 of the European Parliament and of the Council². 1. 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). 2. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).		
Recital 86				
96	(86) It is essential that the alignment of this Directive with the revised FATF Recommendations is carried out in full compliance with Union law, in particular as regards Union data protection law, including rules on data transfers, as well as the protection of fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union (the ‘Charter’). Certain aspects of the implementation of this Directive involve the collection, analysis, storage and sharing of data within the Union and with third countries. Such processing of personal data should be permitted, while fully respecting fundamental rights, only for the purposes laid down in this Directive, and for the activities required under this Directive, such as the exchange of information among competent authorities.	(86) It is essential that the alignment of this Directive with the revised FATF Recommendations is carried out in full compliance with Union law, in particular as regards Union data protection law, including rules on data transfers, as well as the protection of fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union (the ‘Charter’). Certain aspects of the implementation of this Directive involve the collection, analysis, storage and sharing of data within the Union and with third countries. Such processing of personal data should be permitted, while fully respecting fundamental rights, only for the purposes laid down in this Directive, and for the activities required under this Directive, such as the exchange of information among competent authorities.	(86) It is essential that the alignment of this Directive with the revised FATF Recommendations is carried out in full compliance with Union law, in particular as regards Union data protection law, including rules on data transfers, as well as the protection of fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union (the ‘Charter’). Certain aspects of the implementation of this Directive involve the collection, analysis, storage and sharing of data within the Union and <u>possibly</u> with third countries. Such processing of personal data should be permitted; ~~while fully respecting fundamental rights;~~ only for the purposes laid down in this Directive, and for the activities required under this Directive, such as the exchange of information among competent authorities, <u>and should fully respect fundamental rights obligations as required by Article 6 of the Treaty on European Union (TEU) and Union data protection rules as regards onward data transfers, including to third countries.</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Recital 87				
97	(87) The rights of access to data by the data subject are applicable to the personal data processed for the purpose of this Directive. However, access by the data subject to any information related to a suspicious transaction report would seriously undermine the effectiveness of the fight against money laundering and terrorist financing. Exceptions to and restrictions of that right in accordance with Article 23 of Regulation (EU) 2016/679 and, where relevant, Article 25 of Regulation (EU) 2018/1725, may therefore be justified. The data subject has the right to request that a supervisory authority referred to in Article 51 of Regulation (EU) 2016/679 or, where applicable, the European Data Protection Supervisor, check the lawfulness of the processing and has the right to seek a judicial remedy referred to in Article 79 of that Regulation. The supervisory authority referred to in Article 51 of Regulation (EU) 2016/679 may also act on an ex-officio basis. Without prejudice to the restrictions to the right to access, the supervisory authority should be able to inform the data subject that all necessary verifications by the supervisory authority have taken place, and of the result as regards the	(87) The rights of access to data by the data subject are applicable to the personal data processed for the purpose of this Directive. However, access by the data subject to any information related to a suspicious transaction report would seriously undermine the effectiveness of the fight against money laundering and terrorist financing. Exceptions to and restrictions of that right in accordance with Article 23 of Regulation (EU) 2016/679 and, where relevant, Article 25 of Regulation (EU) 2018/1725, may therefore be justified. The data subject has the right to request that a supervisory authority referred to in Article 51 of Regulation (EU) 2016/679 or, where applicable, the European Data Protection Supervisor, check the lawfulness of the processing and has the right to seek a judicial remedy referred to in Article 79 of that Regulation. The supervisory authority referred to in Article 51 of Regulation (EU) 2016/679 may also act on an ex-officio basis. Without prejudice to the restrictions to the right to access, the supervisory authority should be able to inform the data subject that all necessary verifications by the supervisory authority have taken place, and of the result as regards the	(87) The rights of access to data by the data subject are applicable to the personal data processed for the purpose of this Directive. However, access by the data subject to any information related to a suspicious transaction report would seriously undermine the effectiveness of the fight against money laundering and terrorist financing. Exceptions to and restrictions of that right in accordance with Article 23 of Regulation (EU) 2016/679 and, where relevant, Article 25 of Regulation (EU) 2018/1725, may therefore be justified. The data subject has the right to request that a supervisory authority referred to in Article 51 of Regulation (EU) 2016/679 or, where applicable, the European Data Protection Supervisor, check the lawfulness of the processing and has the right to seek a judicial remedy referred to in Article 79 of that Regulation. The supervisory authority referred to in Article 51 of Regulation (EU) 2016/679 may also act on an ex-officio basis. Without prejudice to the restrictions to the right to access, the supervisory authority should be able to inform the data subject that all necessary verifications by the supervisory authority have taken place, and of the result as regards the	(87) The rights of access to data by the data subject are applicable to the personal data processed for the purpose of this Directive. However, access by the data subject to any information related to a suspicious transaction report would seriously undermine the effectiveness of the fight against money laundering and terrorist financing. Exceptions to and restrictions of that right in accordance with Article 23 of Regulation (EU) 2016/679 and, where relevant, Article 25 of Regulation (EU) 2018/1725, may therefore be justified. The data subject has the right to request that a supervisory authority referred to in Article 51 of Regulation (EU) 2016/679 or, where applicable, the European Data Protection Supervisor, check the lawfulness of the processing and has the right to seek a judicial remedy referred to in Article 79 of that Regulation. The supervisory authority referred to in Article 51 of Regulation (EU) 2016/679 may also act on an ex-officio basis. Without prejudice to the restrictions to the right to access, the supervisory authority should be able to inform the data subject that all necessary verifications by the supervisory authority have taken place, and of the result as regards the

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	lawfulness of the processing in question.	lawfulness of the processing in question.	lawfulness of the processing in question.	lawfulness of the processing in question. Text Origin: Commission Proposal
Recital 88				
98	(88) In order to ensure continued exchange of information between FIUs during the period of set-up of AMLA, the Commission should continue to host the FIU.net on a temporary basis. To ensure full involvement of FIUs in the operation of the system, the Commission should regularly exchange with the EU Financial Intelligence Units' Platform (the 'EU FIUs' Platform'), an informal group composed of representatives from FIUs and active since 2006, and used to facilitate cooperation among FIUs and exchange views on cooperation-related issues.	(88) In order to ensure continued exchange of information between FIUs during the period of set-up of AMLA, the Commission should continue to host the FIU.net on a temporary basis. To ensure full involvement of FIUs in the operation of the system, the Commission should regularly exchange with the EU Financial Intelligence Units' Platform (the 'EU FIUs' Platform'), an informal group composed of representatives from FIUs and active since 2006, and used to facilitate cooperation among FIUs and exchange views on cooperation-related issues.	(88) In order to ensure continued exchange of information between FIUs during the period of set-up of AMLA, the Commission should continue to host the FIU.net on a temporary basis. To ensure full involvement of FIUs in the operation of the system, the Commission should regularly exchange with the EU Financial Intelligence Units' Platform (the 'EU FIUs' Platform'), an informal group composed of representatives from FIUs and active since 2006, and used to facilitate cooperation among FIUs and exchange views on cooperation-related issues.	(88) In order to ensure continued exchange of information between FIUs during the period of set-up of AMLA, the Commission should continue to host the FIU.net on a temporary basis. To ensure full involvement of FIUs in the operation of the system, the Commission should regularly exchange with the EU Financial Intelligence Units' Platform (the 'EU FIUs' Platform'), an informal group composed of representatives from FIUs and active since 2006, and used to facilitate cooperation among FIUs and exchange views on cooperation-related issues. Text Origin: Commission Proposal
Recital 89				
99	(89) Regulatory technical standards should ensure consistent harmonisation across the Union. As the body with highly specialised expertise in the field of AML/CFT,	(89) Regulatory technical standards should ensure consistent harmonisation across the Union. As the body with highly specialised expertise in the field of AML/CFT,	(89) Regulatory technical standards should ensure consistent harmonisation across the Union. As the body with highly specialised expertise in the field of AML/CFT,	(89) Regulatory technical standards should ensure consistent harmonisation across the Union. As the body with highly specialised expertise in the field of AML/CFT,

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	it is appropriate to entrust AMLA with the elaboration, for submission to the Commission, of draft regulatory technical standards which do not involve policy choices.	it is appropriate to entrust AMLA with the elaboration, for submission to the Commission, of draft regulatory technical standards which do not involve policy choices.	it is appropriate to entrust AMLA with the elaboration, for submission to the Commission, of draft regulatory technical standards which do not involve policy choices.	it is appropriate to entrust AMLA with the elaboration, for submission to the Commission, of draft regulatory technical standards which do not involve policy choices. Text Origin: Commission Proposal
Recital 90				
100	(90) In order to ensure consistent approaches among FIUs and among supervisors, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to supplement this Directive by adopting the regulatory technical standards setting out the criteria as regards appointment and functions of a central contact point of certain services providers, setting out benchmarks and methodology for assessing and classifying the inherent and residual risk profile of obliged entities and the frequency of risk profile reviews, laying down details of duties of the home and host supervisors, and the modalities of cooperation between them, specifying the general conditions for the functioning of the AML supervisory colleges and the operational functioning of such	(90) In order to ensure consistent approaches among FIUs and among supervisors, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to supplement this Directive by adopting the regulatory technical standards setting out the criteria as regards appointment and functions of a central contact point of certain services providers, setting out benchmarks and methodology for assessing and classifying the inherent and residual risk profile of obliged entities and the frequency of risk profile reviews, laying down details of duties of the home and host supervisors, and the modalities of cooperation between them, specifying the general conditions for the functioning of the AML supervisory colleges and the operational functioning of such	(90) In order to ensure consistent approaches among FIUs and among supervisors, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to supplement this Directive by adopting the regulatory technical standards setting out the criteria as regards appointment and functions of a central contact point of certain services providers, setting out <u>indicators to classify the level of gravity of breaches and criteria for repeated failures to provide registers with up-to-date, accurate and adequate information on beneficial ownership, setting out</u> benchmarks and methodology for assessing and classifying the inherent and residual risk profile of obliged entities and the frequency of risk profile reviews, laying down details of duties of the home and	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	colleges, defining indicators to classify the level of gravity of breaches of this Directive and criteria to be taken into account when setting the level of administrative sanctions or taking administrative measures. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	colleges, defining indicators to classify the level of gravity of breaches of this Directive and criteria to be taken into account when setting the level of administrative sanctions or taking administrative measures. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	host supervisors, and the modalities of cooperation between them, specifying the general conditions for the functioning of the AML supervisory colleges and the operational functioning of such colleges, <u>specifying the general conditions for supervision of groups of obliged entities other than credit or financial institutions</u>, defining indicators to classify the level of gravity of breaches of this Directive and criteria to be taken into account when setting the level of administrative sanctions or taking administrative measures. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	
Recital 91				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
101	(91) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission in order to lay down a methodology for the collection of statistics, establish the format for the submission of beneficial ownership information, define the technical conditions for the interconnection of beneficial ownership registers and of bank account registers and data retrieval mechanisms as well as to adopt implementing technical standards specifying the format to be used for the exchange of the information among FIUs of the Member States. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	(91) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission in order to lay down a methodology for the collection of statistics, establish the format for the submission of beneficial ownership information, define the technical conditions for the interconnection of beneficial ownership registers and of bank account registers and data retrieval mechanisms as well as to adopt implementing technical standards specifying the format to be used for the exchange of the information among FIUs of the Member States. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	(91) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission in order to lay down a methodology for the collection of statistics, establish the format for the submission of beneficial ownership information, define the technical conditions for the interconnection of beneficial ownership registers and of bank account registers and data retrieval mechanisms, <u>define the technical conditions for the connection of the Member States' mechanisms to the single access point on land and real estate, specify the criteria and format to be used by FIUs for sharing information on suspended or prohibited transactions and on suspended accounts, ~~as well as to~~</u> adopt implementing technical standards specifying the format to be used for the exchange of the information among FIUs of the Member States <u>and the relevant factors to be taken into account when determining if a suspicious transaction report concerns another Member State, and adopt implementing technical standards specifying a common template for the cooperation agreements between financial supervisors and their counterparts in third</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>countries</u>. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. ~~1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).~~	
Recital 92				
102	(92) This Directive respects the fundamental rights and observes the principles recognised by the Charter, in particular the right to respect for private and family life (Article 7 of the Charter), the right to the protection of personal data (Article 8 of the Charter) and the freedom to conduct a business (Article 16 of the Charter).	(92) This Directive respects the fundamental rights and observes the principles recognised by the Charter, in particular the right to respect for private and family life (Article 7 of the Charter), the right to the protection of personal data (Article 8 of the Charter) and the freedom to conduct a business (Article 16 of the Charter).	(92) This Directive respects the fundamental rights and observes the principles recognised by the Charter, in particular the right to respect for private and family life (Article 7 of the Charter), the right to the protection of personal data (Article 8 of the Charter) and the freedom to conduct a business (Article 16 of the Charter). <u>It does not modify the obligation to respect the fundamental rights and legal principles enshrined in Article 6 TEU.</u>	
Recital 92a				
102a				<u>(92a) Equality between women and men and diversity are fundamental values of the Union, which it set out</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				<u>to promote across the whole range of Union actions. While progress has been made in these areas over time, more is needed to achieve balanced representation in decision-making, whether at Union or at national level. Without prejudice to the primary application of merit-based criteria, when appointing the heads of their national supervisory authorities and Financial Intelligence Units, Member States should seek to ensure gender balance, diversity and inclusion, and take into account, to the extent possible, intersections between them. Member States should strive to ensure balanced and inclusive representation also when selecting their representatives to the General Boards of AMLA.</u> Based on COM draft proposal from 13/07/2023 TM5 17072023
Recital 93				
103	(93) When drawing up a report evaluating the implementation of this Directive, the Commission should give due consideration to the respect of the fundamental rights and principles recognised by the Charter.	(93) When drawing up a report evaluating the implementation of this Directive, the Commission should give due consideration to the respect of the fundamental rights and principles recognised by the Charter.	(93) When drawing up a report evaluating the implementation of this Directive, the Commission should give due consideration to the respect of the fundamental rights and principles recognised by the Charter.	(93) When drawing up a report evaluating the implementation of this Directive, the Commission should give due consideration to the respect of the fundamental rights and principles recognised by the Charter.

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Recital 94				
104	(94) Since the objectives of this Directive, namely the establishment of a coordinated and coherent mechanism to prevent money laundering and terrorist financing, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and the effects of the proposed action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	(94) Since the objectives of this Directive, namely the establishment of a coordinated and coherent mechanism to prevent money laundering and terrorist financing, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and the effects of the proposed action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	(94) Since the objectives of this Directive, namely the establishment of a coordinated and coherent mechanism to prevent money laundering and terrorist financing, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and the effects of the proposed action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	(94) Since the objectives of this Directive, namely the establishment of a coordinated and coherent mechanism to prevent money laundering and terrorist financing, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and the effects of the proposed action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives. Text Origin: Commission Proposal
Recital 95				
105	(95) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ¹ , Member States have	(95) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ¹ , Member States have	(95) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ¹ , Member States have	(95) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ¹ , Member States have

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified. 1. OJ C 369, 17.12.2011, p. 14.	undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified. 1. OJ C 369, 17.12.2011, p. 14.	undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified. 1. OJ C 369, 17.12.2011, p. 14.	undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified. 1. OJ C 369, 17.12.2011, p. 14. Text Origin: Commission Proposal
Recital 96				
106	(96) The European Data Protection Supervisor has been consulted in accordance with Article 42 of Regulation (EU) 2018/1725 [and delivered an opinion on ...¹]. 1. OJ C , , p. .	(96) The European Data Protection Supervisor has been consulted in accordance with Article 42 of Regulation (EU) 2018/1725 [and delivered an opinion on ...¹]. 1. OJ C , , p. .	(96) The European Data Protection Supervisor has been consulted in accordance with Article 42 of Regulation (EU) 2018/1725 [and delivered an opinion on ...¹]. 1. OJ C , , p. .	(96) The European Data Protection Supervisor has been consulted in accordance with Article 42 of Regulation (EU) 2018/1725 [and delivered an opinion on ...¹]. 1. OJ C , , p. . Text Origin: Commission Proposal
Recital 97				
107	(97) Directive (EU) 2015/849 should therefore be repealed,	(97) Directive (EU) 2015/849 should therefore be repealed,	(97) Directive (EU) 2015/849 should therefore be repealed,	(97) Directive (EU) 2015/849 should therefore be repealed, Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Formula			
108	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE: Text Origin: Commission Proposal
	CHAPTER I			
109	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS Text Origin: Commission Proposal
	Section 1			
110	Section 1 Subject matter, scope and definitions	Section 1 Subject matter, scope and definitions	Section 1 Subject matter, scope and definitions	Section 1 Subject matter, scope and definitions Text Origin: Commission Proposal
	Article 1			
111	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter Text Origin: Commission Proposal
	Article 1, first paragraph			

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
112	This Directive lays down rules concerning:	This Directive lays down rules concerning:	This Directive lays down rules concerning:	This Directive lays down rules concerning: Text Origin: Commission Proposal
Article 1, first paragraph, point (a)				
113	(a) measures applicable to sectors exposed to money laundering and terrorist financing at national level;	(a) measures applicable to sectors exposed to money laundering and terrorist financing at national level;	(a) measures applicable to sectors exposed to money laundering and terrorist financing at <u>Union and</u> national level;	(a) measures applicable to sectors exposed to money laundering and terrorist financing at national level; New line 113a added on the basis of COM proposal from 6/7/2023 EC explanations: the measures applicable to sectors at Union level are included in the AMLR - not in AMLD. Only EP to revert CONS to revert Text Origin: Commission Proposal TM1 31/05/2023 TM17 of 17/10/2023
Article 1, first paragraph, point (aa)				
113a				<u>(aa) requirements in relation to registration, identification of [contact points] and checks on senior management and beneficial owners of obliged entities;</u> New line 113a added on the basis of

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				COM proposal EC advice to remove reference to contact points and address the issue based on home/host non-paper EP to revert CONS to revert TM5 17072023
Article 1, first paragraph, point (b)				
114	(b) the identification of money laundering and terrorist financing risks at Union and Member States level;	(b) the identification of money laundering and terrorist financing risks at Union and Member States level;	(b) the identification of money laundering and terrorist financing risks at Union and Member States level;	(b) the identification of money laundering and terrorist financing risks at Union and Member States level; Text Origin: Commission Proposal
Article 1, first paragraph, point (c)				
115	(c) the set-up and access to beneficial ownership, bank account and real estate registers;	(c) the set-up and access to beneficial ownership, bank account and real estate registers;	(c) ~~the set-up and access to~~ <u>access to information on</u> beneficial ownership, bank ~~account~~ <u>and accounts, land or</u> real estate registers; <u>and relevant goods</u>	
Article 1, first paragraph, point (d)				
116	(d) the responsibilities and tasks of Financial Intelligence Units (FIUs);	(d) the responsibilities and tasks of Financial Intelligence Units (FIUs);	(d) the responsibilities and tasks of Financial Intelligence Units (FIUs);	(d) the responsibilities and tasks of Financial Intelligence Units (FIUs); Text Origin: Commission Proposal

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Article 1, first paragraph, point (e)				
117	(e) the responsibilities and tasks of bodies involved in the supervision of obliged entities,	(e) the responsibilities and tasks of bodies involved in the supervision of obliged entities,	(e) the responsibilities and tasks of bodies involved in the supervision of obliged entities,	(e) the responsibilities and tasks of bodies involved in the supervision of obliged entities, Text Origin: Commission Proposal
Article 1, first paragraph, point (f)				
118	(f) cooperation between competent authorities and cooperation with authorities covered by other Union acts.	(f) cooperation between competent authorities and cooperation with authorities covered by other Union acts.	(f) cooperation between competent authorities and cooperation with authorities covered by other Union acts.	(f) cooperation between competent authorities and cooperation with authorities covered by other Union acts. Text Origin: Commission Proposal
Article 2				
119	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions Text Origin: Commission Proposal
Article 2, first paragraph				
120	For the purposes of this Directive, the definitions set out in Article 2 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] apply.	For the purposes of this Directive, the definitions set out in Article 2 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] ~~please insert~~	For the purposes of this Directive, the definitions set out in Article 2 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] apply.	For the purposes of this Directive, the definitions set out in Article 2 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] apply.

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		~~reference—proposal for Anti-Money Laundering Regulation—COM/2021/420 final]~~ apply.		Text Origin: Commission Proposal
Article 2, second paragraph				
121	The following definitions also apply:	The following definitions also apply:	The following definitions also apply:	The following definitions also apply: Text Origin: Commission Proposal
Article 2, second paragraph, point (1)				
122	(1) ‘financial supervisor’ means a supervisor in charge of credit and financial institutions;	(1) ‘financial supervisor’ means a supervisor in charge of credit and financial institutions;	(1) ‘financial supervisor’ means a supervisor in charge of credit and financial institutions;	(1) ‘financial supervisor’ means a supervisor in charge of credit and financial institutions; Text Origin: Commission Proposal
Article 2, second paragraph, point (2)				
123	(2) ‘obliged entities’ means the natural or legal persons listed in Article 3 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] that are not exempted in accordance with article 4,5,6 of that Regulation;	(2) ‘obliged entities’ means the natural or legal persons listed in Article 3 of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference—proposal for Anti-Money Laundering Regulation—COM/2021/420 final]~~ that are not exempted in accordance with article 4,5,6 of that Regulation;	(2) ‘obliged entities’ means the natural or legal persons listed in Article 3 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] that are not exempted in accordance with article 4,5,6 of that Regulation;	(2) ‘obliged entities’ means the natural or legal persons listed in Article 3 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] that are not exempted in accordance with article ~~4,5,6~~ <u>4, 5, 6</u> of that Regulation; Text Origin: Commission Proposal
Article 2, second paragraph, point (3)				

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124	(3) 'home Member State' means the Member State where the registered office of the obliged entity is situated or, if the obliged entity has no registered office, the Member State in which its head office is situated;	(3) 'home Member State' means the Member State where the registered office of the obliged entity is situated or, if the obliged entity has no registered office, the Member State in which its head office is situated;	(3) 'home Member State' means the Member State where the registered office of the obliged entity is situated or, if the obliged entity has no registered office, the Member State in which its head office is situated;	(3) 'home Member State' means the Member State where the registered office of the obliged entity is situated or, if the obliged entity has no registered office, the Member State in which its head office is situated; Text Origin: Commission Proposal
Article 2, second paragraph, point (4)				
125	(4) 'host Member State' means the Member State other than the home Member State in which the obliged entity has a subsidiary or a branch or provides services;	(4) 'host Member State' means the Member State other than the home Member State in which the obliged entity has a subsidiary or a branch or provides services;	(4) 'host Member State' means the Member State other than the home Member State in which the obliged entity has a subsidiary or a branch or provides services;	(4) 'host Member State' means the Member State other than the home Member State in which the obliged entity has a subsidiary or a branch or provides services; Text Origin: Commission Proposal
Article 2, second paragraph, point (5)				
126	(5) 'customs authorities' means the customs authorities as defined in Article 5(1) of Regulation (EU) 952/2013 of the European Parliament and of the Council ¹ and the competent authorities as defined in Article 2(1), point (g), of Regulation (EU) 2018/1672 of the European Parliament and of the Council ² ; _____	(5) 'customs authorities' means the customs authorities as defined in Article 5(1) of Regulation (EU) 952/2013 of the European Parliament and of the Council ¹ and the competent authorities as defined in Article 2(1), point (g), of Regulation (EU) 2018/1672 of the European Parliament and of the Council ² ; _____	(5) 'customs authorities' means the customs authorities as defined in Article 5(1) of Regulation (EU) 952/2013 of the European Parliament and of the Council ¹ and the competent authorities as defined in Article 2(1), point (g), of Regulation (EU) 2018/1672 of the European Parliament and of the Council ² ; _____	(5) 'customs authorities' means the customs authorities as defined in Article 5(1) of Regulation (EU) 952/2013 of the European Parliament and of the Council ¹ and the competent authorities as defined in Article 2(1), point (g), of Regulation (EU) 2018/1672 of the European Parliament and of the Council ² ; _____

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	1. Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1). 2. Regulation (EU) 2018/1672 of the European Parliament and of the Council of 23 October 2018 on controls on cash entering or leaving the Union and repealing Regulation (EC) No 1889/2005 (OJ L 284, 12.11.2018, p. 6).	1. Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1). 2. Regulation (EU) 2018/1672 of the European Parliament and of the Council of 23 October 2018 on controls on cash entering or leaving the Union and repealing Regulation (EC) No 1889/2005 (OJ L 284, 12.11.2018, p. 6).	1. Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1). 2. Regulation (EU) 2018/1672 of the European Parliament and of the Council of 23 October 2018 on controls on cash entering or leaving the Union and repealing Regulation (EC) No 1889/2005 (OJ L 284, 12.11.2018, p. 6).	1. Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1). 2. Regulation (EU) 2018/1672 of the European Parliament and of the Council of 23 October 2018 on controls on cash entering or leaving the Union and repealing Regulation (EC) No 1889/2005 (OJ L 284, 12.11.2018, p. 6). Text Origin: Commission Proposal
Article 2, second paragraph, point (6)				
127	(6) ‘anti-money laundering/counter-terrorist financing supervisory college’ or ‘AML/CFT supervisory college’ means a permanent structure for cooperation and information sharing for the purposes of supervising a group or an entity operating on a cross-border basis;	(6) ‘anti-money laundering/counter-terrorist financing supervisory college’ or ‘AML/CFT supervisory college’ means a permanent structure for cooperation and information sharing for the purposes of supervising a group or an entity operating on a cross-border basis;	(6) ‘anti-money laundering/counter-terrorist financing supervisory college’ or ‘AML/CFT supervisory college’ means a permanent structure for cooperation and information sharing for the purposes of supervising a group or an entity operating on a cross-border basis;	(6) ‘anti-money laundering/counter-terrorist financing supervisory college’ or ‘AML/CFT supervisory college’ means a permanent structure for cooperation and information sharing for the purposes of supervising a group or an entity operating on a cross-border basis; Text Origin: Commission Proposal
Article 2, second paragraph, point (7)				
128	(7) ‘entity operating on a cross-border basis’ means an obliged entity having at least one establishment in another Member State or in a third country;	(7) ‘entity operating on a cross-border basis’ means an obliged entity having at least one establishment in another Member State or in a third country;	(7) ‘entity operating on a cross-border basis’ means an obliged entity having at least one establishment in another Member State or in a third country; <u>or</u> <u>operating under the freedom to provide services</u>	Link discussion to article 5 TM1 31/05/2023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 2, second paragraph, point (8)				
129	(8) 'establishment' means a branch or any other form of establishment of an obliged entity that operates in a Member State or third country other than the country where its head office is established, or the subsidiary of a parent undertaking established in a country other than the country where that parent undertaking has been established.	(8) 'establishment' means a branch or any other form of establishment of an obliged entity that operates in a Member State or third country other than the country where its head office is established, or the subsidiary of a parent undertaking established in a country other than the country where that parent undertaking has been established.	(8) 'establishment' means a branch or any other form of establishment of an obliged entity that operates in a Member State or third country other than the country where its head office is established, or the subsidiary of a parent undertaking established in a country other than the country where that parent undertaking has been established.	(8) 'establishment' means a branch or any other form of establishment of an obliged entity that operates in a Member State or third country other than the country where its head office is established, or the subsidiary of a parent undertaking established in a country other than the country where that parent undertaking has been established. Text Origin: Commission Proposal
Article 2, second paragraph, point (8a)				
129a			<u>(8a) 'predicate offence' means a criminal activity as defined in Article 2, point (3), of Regulation ... [please insert reference to Anti-Money Laundering Regulation - 2021/0239(COD)]</u>	- COM and EP DLA and Legal Service to discuss a solution for definition of predicate offence and criminal activity To be discussed if definition of predicate offence should be included under AMLR COM proposes that the definition of predicate offence should be included under AMLR, in line with the approach taken to making that act the repository of all common definitions. (Draft proposal from 6/7/2023) COM proposal for a Recital on predicate offence for AMLR and AMLD:

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				(5a) The harmonisation in the area of criminal law enables a strong and coherent approach at Union level to the prevention of and fight against of money laundering and its predicate offences, including corruption. At the same time, such an approach ensures that Member States that have adopted a broader approach to the definition of criminal activities which constitute predicate offences for money laundering can continue doing so. For this reason, in line with Directive (EU) 2018/1673, any kind of punishable involvement in the commission of a predicate offence as criminalised in accordance with national law should also be considered as a criminal activity for the purposes of that Directive and of this Regulation. AMLR related EC to revert DLA TM1 31/05/2023 TM5 17072023 TM17 17102023
Section 2				
130	Section 2 National measures in sectors exposed to money laundering and terrorist financing	Section 2 National measures in sectors exposed to money laundering and terrorist financing	Section 2 National measures in sectors exposed to money laundering and terrorist financing	Section 2 National measures in sectors exposed to money laundering and terrorist financing Text Origin: Commission Proposal
Article 3				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
131	Article 3 Identification of exposed sectors at national level	Article 3 Identification of exposed sectors at national level	Article 3 Identification of exposed sectors at national level	Article 3 Identification of exposed sectors at national level Text Origin: Commission Proposal
Article 3(1)				
132	1. Where the national risk assessment carried out by Member States pursuant to Article 8 identifies that, in addition to obliged entities, entities in other sectors are exposed to money laundering and terrorist financing risks, Member States may decide to apply the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] to those additional entities.	1. Where ~~the national risk assessment carried out by~~ a Member States pursuant to Article 8 ~~State~~ identifies that, in addition to obliged entities, entities in other sectors are exposed to money laundering and terrorist financing risks, ~~Member States~~ it may decide to apply <u>all or part of</u> the requirements of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ to those additional entities.	1. Where the national risk assessment carried out by Member States pursuant to Article 8, <u>information received from FIUs in other Member States or information from AMLA</u> identifies that, in addition to obliged entities, entities in other sectors are exposed to money laundering and terrorist financing risks, Member States may ~~decide to~~ apply the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] to those additional entities.	1. Where ~~the national risk assessment carried out by~~ a Member States pursuant to Article 8 ~~State~~ identifies that, in addition to obliged entities, entities in other sectors are exposed to money laundering and terrorist financing risks, ~~Member States~~ it may decide to apply <u>all or part of</u> the requirements of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ to those additional entities. Text Origin: Council Mandate TM1 31/05/2023
Article 3(2)				
133	2. For the purposes of paragraph 1, Member States shall notify to the Commission their intention to apply	2. For the purposes of paragraph 1, Member States shall notify to the Commission their intention to apply	2. For the purposes of paragraph 1, Member States shall notify to the Commission their intention to apply	2. For the purposes of paragraph 1, Member States shall notify to the Commission their intention to apply

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	of requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] to entities in additional sectors, accompanied by:	<u>all or part</u> of requirements of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ to entities in additional sectors, accompanied by:	of requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] to entities in additional sectors, accompanied by:	<u>all or part</u> of requirements of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ to entities in additional sectors, accompanied by: Text Origin: Council Mandate TM1 31/05/2023
	Article 3(2), point (a)			
134	(a) a justification of the money laundering and terrorist financing risks underpinning such intention;	(a) a justification of the money laundering and terrorist financing risks underpinning such intention;	(a) a justification of the money laundering and terrorist financing risks underpinning such intention;	(a) a justification of the money laundering and terrorist financing risks underpinning such intention; Text Origin: Commission Proposal
	Article 3(2), point (b)			
135	(b) an assessment of the impact that such extension will have on the provision of services within the internal market;	(b) an assessment of the impact that such extension will have on the provision of services within the internal market;	(b) an assessment of the impact that such extension will have on the provision of services within the internal market;	(b) an assessment of the impact that such extension will have on the provision of services within the internal market; Text Origin: Commission Proposal
	Article 3(2), point (ba)			
135a		<u>(ba) a description of the requirements of Regulation [please</u>		<u>(ba) a description of the requirements of Regulation [please</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] that the Member State intends to apply to those entities;</u>		<u>insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] that the Member State intends to apply to those entities;</u> Text Origin: Council Mandate TM1 31/05/2023
Article 3(2), point (c)				
136	(c) the text of the national measures that the Member State intends to adopt.	(c) the text of the national measures that the Member State intends to adopt.	(c) the text of the national measures that the Member State intends to <u>propose or</u> adopt.	(c) the text of the <u>draft</u> national measures, <u>including the update thereof provided</u> that the Member State ~~intends to adopt~~ <u>has significantly altered the scope, content or implementation of those notified measures.</u> Amendments based on COM draft proposal from 6/7/2023 New EC drafting proposal of 16/07: "(c) the text of the draft national measures. Where Member States make changes to the draft national measures that have the effect of significantly altering their scope, content or implementation, they shall notify the draft national measures again to the Commission." Possibility to add a definition of 'draft national measure' as follows: 'draft national measure' means the text of an act, whichever its form, which, once enacted, will have legal effect, the

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				text being at a stage of preparation at which substantial amendments can still be made. EP to revert CONS to revert Text Origin: EP Mandate TM1 31/05/2023 TM5 17072023
Article 3(3)				
137	3. Member States shall suspend the adoption of national measures referred to in paragraph 2, point (c), for 6 months from the date of the notification referred to in paragraph 2.	3. ~~Member States shall suspend the adoption of national measures referred to in paragraph 2, point (c), for 6 months from the date of the notification referred to in paragraph 2.~~ Deleted	3. Member States shall suspend the adoption of national measures referred to in paragraph 2, point (c), for 6 months from the date of the notification referred to in paragraph 2.	3. Member States shall suspend the adoption of national measures referred to in paragraph 2, point (c), for <u>[4/ 6 months]</u> from the date of the notification referred to in paragraph 2. <u>The suspension referred to in the first subparagraph shall not apply in cases where the national measure aims at addressing a serious and present money laundering or terrorist financing threat. In this case, the notification referred to in paragraph 2 shall also include a justification as to why the Member State will not suspend the adoption of the national measure in line with the first subparagraph.]</u> Changes based on COM draft proposal from 6/7/2023 CONS to revert

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				Text Origin: Commission Proposal TM1 31/05/2023 TM5 17/07/2023 TM17 17/10/2023
Article 3(4), first subparagraph				
138	4. Before the end of the period referred to in paragraph 3, the Commission, having consulted the Authority for anti-money laundering and countering the financing of terrorism established by Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final] (AMLA), shall issue a detailed opinion regarding whether the measure envisaged:	4. ~~Before the end of the period referred to in paragraph 3,~~ The Commission, having consulted the Authority for anti-money laundering and countering the financing of terrorism established by Regulation <u>[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final] (AMLA),</u> ~~may [please insert reference – proposal for establishment of an Anti-Money Laundering Authority – COM/2021/421 final] (AMLA),~~ shall issue a detailed opinion regarding whether the ~~measure~~ <u>national measures</u> envisaged:	4. Before the end of the period referred to in paragraph 3, the Commission, having consulted the Authority for anti-money laundering and countering the financing of terrorism established by Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final] (AMLA), shall issue a detailed opinion regarding whether the measure envisaged:	4. [Before the end of the period referred to in paragraph 3, the Commission, having consulted the Authority for anti-money laundering and countering the financing of terrorism established by Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final] (AMLA), shall issue a detailed opinion regarding whether the measure envisaged:] Text Origin: Commission Proposal TM1 31/05/2023
Article 3(4), first subparagraph, point (a)				
139	(a) is adequate to address the risks identified, in particular as regards whether the risks identified by the Member State concern the internal market;	(a) ~~is~~ <u>are</u> adequate to address the risks identified, in particular as regards whether the risks identified by the Member State concern the internal market;	(a) is adequate to address the risks identified, in particular as regards whether the risks identified by the Member State concern the internal market;	(a) is adequate to address the risks identified, in particular as regards whether the risks identified by the Member State concern the internal market; Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				TM1 31/05/2023
Article 3(4), first subparagraph, point (b)				
140	(b) may create obstacles to the free movement of services or capital or to the freedom of establishment of service operators within the internal market which are not proportionate to the money laundering and terrorist financing risks the measure aims to mitigate.	(b) may create obstacles to the free movement of services or capital or to the freedom of establishment of service operators within the internal market which are not proportionate to the money laundering and terrorist financing risks the measure aims to mitigate.	(b) may create obstacles to the free movement of services or capital or to the freedom of establishment of service operators within the internal market which are not proportionate to the money laundering and terrorist financing risks the measure aims to mitigate.	(b) may create obstacles to the free movement of services or capital or to the freedom of establishment of service operators within the internal market which are not proportionate to the money laundering and terrorist financing risks the measure aims to mitigate. Text Origin: Commission Proposal
Article 3(4), second subparagraph				
141	The detailed opinion shall also indicate whether the Commission intends to propose action at Union level.	The detailed opinion shall also indicate whether the Commission intends to propose action at Union level.	The detailed opinion shall also indicate whether the Commission intends to propose action at Union level.	The detailed opinion shall also indicate whether the Commission intends to propose action at Union level. Text Origin: Commission Proposal
Article 3(5)				
142	5. Where the Commission does not consider it appropriate to propose action at Union level, the Member State concerned shall, within two months of receiving the detailed opinion referred to in paragraph 4, report to the Commission on the	5. ~~Where the Commission does not consider it appropriate to propose action at Union level, the Member State concerned shall, within two months of receiving the detailed opinion referred to in paragraph 4, report to the Commission on the~~	5. Where the Commission does not consider it appropriate to propose action at Union level, the Member State concerned shall, within two months of receiving the detailed opinion referred to in paragraph 4, report to the Commission on the	5. [Where the Commission does not consider it appropriate to propose action at Union level, the Member State concerned shall, within two months of receiving the detailed opinion referred to in paragraph 4, report to the Commission on the

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	action it proposes to take on that detailed opinion. The Commission shall comment on the action proposed by the Member State.	~~action it proposes to take on that detailed opinion. The Commission shall comment on the action proposed by the Member State.~~ <u>Deleted</u>	action it proposes to take on that detailed opinion. The Commission shall comment on the action proposed by the Member State.	action it proposes to take on that detailed opinion. The Commission shall comment on the action proposed by the Member State. Text Origin: Commission Proposal TM1 31/05/2023
Article 3(6)				
143	6. Where the Commission indicates its intention to propose action at Union level, the Member State concerned shall abstain from adopting the national measures referred to in paragraph 2, point (c).	6. ~~Where the Commission indicates its intention to propose action at Union level, the Member State concerned shall abstain from adopting the national measures referred to in paragraph 2, point (c).~~ <u>Deleted</u>	6. Where the Commission indicates its intention to propose action at Union level, the Member State concerned shall abstain from adopting the national measures referred to in paragraph 2, point (c).	6. Where the Commission indicates its intention to propose action at Union level, the Member State concerned shall abstain from adopting the national measures referred to in paragraph 2, point (c), <u>unless those national measures aim at addressing a serious and present ML or TF threat.</u> CONS to revert Text Origin: Commission Proposal TM1 31/05/2023 TM17 17102023
Article 3(7), first subparagraph				
144	7. Where, on [please insert the date of entry into force of this Directive], Member States have already applied national provisions transposing Directive (EU) 2015/849 to other sectors than obliged entities, they may apply the requirements of	7. Where, on <u>[please insert the date of entry into force of this Directive]</u> ~~[please insert the date of entry into force of this Directive]~~ , Member States have already applied national provisions transposing Directive (EU) 2015/849 to other	7. Where, on [please insert the date of entry into force of this Directive], Member States have already applied national provisions transposing Directive (EU) 2015/849 to other sectors than obliged entities, they may apply the requirements of	7. Where, on <u>[please insert the date of entry into force of this Directive]</u> ~~[please insert the date of entry into force of this Directive]~~ , Member States have already applied national provisions transposing Directive (EU) 2015/849 to other

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 137/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] to those sectors.	sectors than obliged entities, they may apply <u>all or part of</u> the requirements of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference—proposal for Anti-Money Laundering Regulation—COM/2021/420 final]~~ to those sectors.	Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] to those sectors.	sectors than obliged entities, they may apply <u>all or part of</u> the requirements of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference—proposal for Anti-Money Laundering Regulation—COM/2021/420 final]~~ to those sectors. Text Origin: Council Mandate TM1 31/05/2023
Article 3(7), second subparagraph				
145	By [6 months after the date of transposition of this Directive], Member States shall notify the Commission the sectors identified at national level pursuant to the first sub-paragraph to which the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] shall apply, accompanied by a justification of the exposure of those sectors to money laundering and terrorist financing risks. Within 6 months of such notification, the Commission having consulted AMLA, shall issue a detailed opinion covering paragraph 4, points (a) and (b), and indicating whether it intends to propose action at Union level. Where the	By <u>[6 months after the date of transposition of this Directive]</u> ~~[6 months after the date of transposition of this Directive]~~ , Member States shall notify the Commission the sectors identified at national level pursuant to the first sub-paragraph to which the requirements of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference—proposal for Anti-Money Laundering Regulation—COM/2021/420 final]~~ shall apply; ~~accompanied by a justification of the exposure of those sectors to money laundering and terrorist financing risks.~~ Within 6 months of such notification, the Commission having	By [6 months after the date of transposition of this Directive], Member States shall notify the Commission the sectors identified at national level pursuant to the first sub-paragraph to which the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] shall apply, accompanied by a justification of the exposure of those sectors to money laundering and terrorist financing risks. Within 6 months of such notification, the Commission having consulted AMLA, shall issue a detailed opinion covering paragraph 4, points (a) and (b), and indicating whether it intends to propose action at Union level. Where the	<u>[By</u> [6 months after the date of transposition of this Directive], Member States shall notify the Commission the sectors identified at national level pursuant to the first sub-paragraph to which the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] shall apply, accompanied by a justification of the exposure of those sectors to money laundering and terrorist financing risks. Within 6 months of such notification, the Commission having consulted AMLA, shall issue a detailed opinion covering paragraph 4, points (a) and (b), and indicating whether it intends to propose action at Union level. Where the

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Commission does not consider it appropriate to propose action at Union level, paragraph 5 shall apply.	consulted AMLA, ~~shall~~ <u>may</u> issue a detailed opinion covering paragraph 4, points (a) and (b), and indicating whether it intends to propose action at Union level. ~~Where the Commission does not consider it appropriate to propose action at Union level, paragraph 5 shall apply.~~	Commission does not consider it appropriate to propose action at Union level, paragraph 5 shall apply.	Commission does not consider it appropriate to propose action at Union level, paragraph 5 shall apply. Text Origin: Commission Proposal TM1 31/05/2023
Article 3(8)				
146	8. By [1 years after the date of transposition of this Directive] and every year thereafter, the Commission shall publish a consolidated list of the sectors to which Member States have decided to apply the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] in the Official Journal of the European Union.	8. By <u>[1 years after the date of transposition of this Directive]</u> ~~[1 years after the date of transposition of this Directive]~~ and every year thereafter, the Commission shall publish a consolidated list of the sectors to which Member States have decided to apply <u>all or part of</u> the requirements of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ in the <u>Official Journal of the European Union</u> ~~Official Journal of the European Union.~~	8. By [1 years after the date of transposition of this Directive] and every year thereafter, the Commission shall publish a consolidated list of the sectors to which Member States have decided to apply the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] in the Official Journal of the European Union.	8. By <u>[1 years after the date of transposition of this Directive]</u> ~~[1 years after the date of transposition of this Directive]~~ and every year thereafter, the Commission shall publish a consolidated list of the sectors to which Member States have decided to apply <u>all or part of</u> the requirements of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ in the <u>Official Journal of the European Union</u> ~~Official Journal of the European Union.~~ Text Origin: Council Mandate TM1 31/05/2023
Article 4				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
147	Article 4 Requirements relating to certain service providers	Article 4 Requirements relating to certain service providers	Article 4 Requirements relating to certain ~~service providers~~ <u>obliged entities</u>	Article 4 Requirements relating to certain service providers linked to line 148 Text Origin: Commission Proposal
Article 4(1)				
148	1. Member States shall ensure that currency exchange and cheque cashing offices, and trust or company service providers are either licensed or registered.	1. Member States shall ensure that currency exchange and cheque cashing offices, <u>third-party financing intermediaries</u> and trust or company service providers are either licensed or registered.	1. Member States shall ensure that currency exchange and cheque cashing offices, and trust or company service providers are either licensed or registered.	1. Member States shall ensure that currency exchange and cheque cashing offices, and trust or company service providers are either licensed or registered. COM to propose redrafting EC to revert Text Origin: Commission Proposal TM1 31/05/2023
Article 4(2)				
149	2. Member States shall ensure that all providers of gambling services are regulated.	2. Member States shall ensure that all providers of gambling services are regulated.	2. Member States shall ensure that all providers of gambling services are regulated.	2. Member States shall ensure that all providers of gambling services are regulated. Text Origin: Commission Proposal
Article 4(2a)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
149a			<u>2a. Member States shall ensure that the procedures for licensing currency exchange, cheque cashing offices and trusts or company service providers require applicants to demonstrate a good understanding of the risks of money laundering and terrorism financing in their sector of activity. They shall also ensure that applicants have access to anti-money laundering and counter-terrorist financing training provided in accordance with uniform and high standards by supervisory authorities, certified service providers or obliged entities that have the knowledge and expertise necessary to provide such training.</u>	<u>2a. -</u> COM proposed recital on training/education of non-financial intermediaries / lawyers with regard to awareness of their AML obligations - see new recital 6a Text Origin: EP Mandate TM1 31/05/2023 TM9 of 06.09.2023
Article 4(2b)				
149b			<u>2b. Member States shall ensure that procedures under national law for entering regulated professions that are obliged entities as referred to in Article 3, point (3) of Regulation ... [please insert reference to Anti-Money Laundering Regulation - 2021/0239(COD)] require applicants to demonstrate a good understanding of the risks of money laundering and terrorism financing in their sector of activity.</u>	<u>2b. -</u> TM9 of 06.09.2023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 4(2c)			
149c			<u>2c. Member States shall ensure that estate agents as referred to in Article 3 point (3) (d) of Regulation ... [please insert reference to –Anti-Money Laundering Regulation - 2021/0239(COD)] develop or have in place training programmes for professionals. Such training programmes may be facilitated or provided by professional associations representing estate agents and the real estate sector.</u>	<u>2c. -</u> TM9 of 06.09.2023
	Article 4(2d)			
149d				<u>3. [Member States shall ensure that other obliged entities are subject to a minimum level of registration that enables their identification by supervisors.</u> <u>The first subparagraph shall not apply where obliged entities are already subject to licensing or registration requirements under other Union acts, or to national rules regulating access to the profession or subjecting it to licensing or registration requirements which allow the identification of the obliged entities by supervisors.]</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Addition based on COM draft proposal COM to draft a recital clarifying what is needed for minimum level of registration CONS to revert EP to revert EC to revert TM5 17072023 TM17 of 17102023

Article 5

150	Article 5 Contact points	Article 5 Contact points	Article 5 Contact points	Article 5 Contact points
				Text Origin: Commission Proposal

Article 5(1)

151	1. Member States may require electronic money issuers as defined in Article 2(3) of Directive 2009/110/EC ¹ , payment service providers as defined in Article 4(11) of Directive (EU) 2015/2366 and crypto-assets service providers operating through agents located in the host Member State and operating under either the right of establishment or the freedom to provide services, and whose head office is situated in another Member State, to appoint a central contact	1. Member States may require electronic money issuers as defined in Article 2(3) of Directive 2009/110/EC ¹ , payment service providers as defined in Article 4(11) of Directive (EU) 2015/2366 and crypto-assets service providers operating through agents <u>or distributors</u> located in the host Member State and operating under either the right of establishment or the freedom to provide services, and whose head office is situated in another Member State, to appoint a	1. Member States may require electronic money issuers as defined in Article 2(3) of Directive 2009/110/EC ¹ , payment service providers as defined in Article 4(11) of Directive (EU) 2015/2366 and crypto-assets service providers operating through <u>agents an agent, a distributor or any other natural or legal person which acts on their behalf</u> , located in the host Member State and operating under either the right of establishment or the freedom to provide services, and whose head	1. Member States may require electronic money issuers as defined in Article 2(3) of Directive 2009/110/EC ¹ , payment service providers as defined in Article 4(11) of Directive (EU) 2015/2366 and crypto-assets service providers operating through <u>agents an agent, a distributor or any other natural or legal person in a comparable position</u> , located in the host Member State and operating under either the right of establishment or the freedom to provide services, and whose head

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	point in their territory. That central contact point shall ensure, on behalf of the entity operating on a cross-border basis, compliance with AML/CFT rules and shall facilitate supervision by supervisors, including by providing supervisors with documents and information on request. 1. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7).	central contact point in their territory. That central contact point shall ensure, on behalf of the entity operating on a cross-border basis, compliance with AML/CFT rules and shall facilitate supervision by supervisors, including by providing supervisors with documents and information on request. 1. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7).	office is situated in another Member State, to appoint a central contact point in their territory. That central contact point shall ensure, on behalf of the entity operating on a cross-border basis, compliance with AML/CFT rules and shall facilitate supervision by supervisors, including by providing supervisors with documents and information on request. 1. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7).	office is situated in another Member State, to appoint a central contact point in their territory. That central contact point shall ensure, on behalf of the entity operating on a cross-border basis, compliance with AML/CFT rules and shall facilitate supervision by supervisors, including by providing supervisors with documents and information on request. 1. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7). Text Origin: EP Mandate TM1 31/05/2023
Article 5(1a)				
151a		<u>Member States may require the central contact point to fulfil the obligation under Article 50 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final].</u>		<u>Member States may require the central contact point to fulfil the obligation under Article 50 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final].</u> To be discussed in conjunction of article 50 AMLR. Purpose is to avoid confusion on STR reporting obligations and home/host competences.

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				AMLR related Text Origin: Council Mandate TM1 31/05/2023
Article 5(2)				
152	2. By [two years after the date of entry into force of this Directive], AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall set out the criteria for determining the circumstances in which the appointment of a central contact point pursuant to paragraph 1 is appropriate, and the functions of the central contact points.	2. By <u>[two years after the date of entry into force of this Directive]</u>~~[two years after the date of entry into force of this Directive]~~, AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall set out the criteria for determining the circumstances in which the appointment of a central contact point pursuant to paragraph 1 is appropriate, and the functions of the central contact points.	2. By [two years after the date of entry into force of this Directive], AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall set out the criteria for determining the circumstances in which the appointment of a central contact point pursuant to paragraph 1 is appropriate, and the functions of the central contact points.	2. By [two years after the date of entry into force of this Directive], AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall set out the criteria for determining the circumstances in which the appointment of a central contact point pursuant to paragraph 1 is appropriate, and the functions of the central contact points. Text Origin: Commission Proposal
Article 5(3)				
153	3. The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in paragraph 2 of this Article in accordance with Articles 38 to 41 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority -	3. The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in paragraph 2 of this Article in accordance with Articles 38 to 41 of Regulation <u>[please insert reference – proposal for establishment of an Anti-Money Laundering Authority -</u>	3. The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in paragraph 2 of this Article in accordance with Articles 38 to 41 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority -	3. The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in paragraph 2 of this Article in accordance with Articles 38 to 41 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority -

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	COM/2021/421 final].	~~COM/2021/421 final]~~ ~~[please insert reference—proposal for establishment of an Anti-Money Laundering Authority—COM/2021/421 final].~~	COM/2021/421 final].	COM/2021/421 final]. Text Origin: Commission Proposal
Article 6				
154	Article 6 Checks on the senior management and beneficial owners of certain obliged entities	Article 6 Checks on the senior management and beneficial owners of certain obliged entities	Article 6 Checks on the senior management and beneficial owners of certain obliged entities	Article 6 Checks on the senior management and beneficial owners of certain obliged entities Text Origin: Commission Proposal
Article 6(1)				
155	1. Member States shall require supervisors to verify that the members of the senior management in the obliged entities referred to in Article 4, and the beneficial owners of such entities, act with honesty and integrity. Senior management of such entities should also possess knowledge and expertise necessary to carry out their functions.	1. Member States shall require supervisors to verify that the members of the senior management in the obliged entities referred to in Article 4, and the beneficial owners of such entities, act with honesty and integrity. Senior management of such entities should also possess knowledge and expertise necessary to carry out their functions.	1. Member States shall require supervisors to verify that the members of the senior management in the obliged entities referred to in Article 4 <u>as well as in the obliged entities referred to in Article 3, points (3)(a), (b), (d), (e) and (h) to (l), of Regulation ... [please insert reference to Anti-Money Laundering Regulation - 2021/0239(COD)]</u> , and the beneficial owners of such entities, act with honesty and integrity. Senior management of such entities ~~should also~~ <u>shall be of good repute and</u> possess <u>proven</u> knowledge and expertise necessary to carry out their	1. <u>[</u> Member States shall require supervisors to verify that the members of the senior management in the obliged entities referred to in Article 4, and the beneficial owners of such entities, act with honesty and integrity. Senior management of such entities should also possess knowledge and expertise necessary to carry out their functions. <u>]</u> EP to reflect on proposal for this topic EP to revert Text Origin: Commission Proposal TM1 31/05/2023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			functions. <u>In case no management role exists in an obliged entity, those requirements applies to the person referred to in Article 9(6), second subparagraph, of Regulation ... [insert reference to AML Regulation - 2021/0239(COD)]</u> .	
Article 6(2)				
156	2. With respect to the obliged entities referred to in Article 3, points (3)(a), (b), (d), (e) and (h) to (l), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], Member States shall ensure that supervisors take the necessary measures to prevent persons convicted of money laundering, any of its predicate offences or terrorist financing or their associates from being professionally accredited, holding a management function in or being the beneficial owners of those obliged entities.	2. With respect to the obliged entities referred to in Article 3, points (3)(a), (b), (d), (e) and (h) to (l), of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ , Member States shall ensure that supervisors take the necessary measures to prevent persons convicted of money laundering, ~~any of its~~ <u>relevant</u> predicate offences or terrorist financing or their associates from being professionally accredited, holding a management function in or being the beneficial owners of those obliged entities.	2. With respect to the obliged entities referred to in Article 3, points (3)(a), (b), (d), (e) and (h) to (l), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], Member States shall ensure that supervisors take the necessary measures to prevent persons convicted of money laundering, any of its predicate offences or terrorist financing or their associates from being professionally accredited, holding a management function in or being the beneficial owners of those obliged entities.	2. With respect to the obliged entities referred to in Article 3, points (3)(a), (b), (d), (e) and (h) to (l), of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ , Member States shall ensure that supervisors take the necessary measures to prevent persons convicted of money laundering, ~~any of its~~ <u>relevant</u> predicate offences or terrorist financing or their associates from being professionally accredited, holding a management function in or being the beneficial owners of those obliged entities. Text Origin: Council Mandate TM1 31/05/2023
Article 6(3)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
157	3. Member States shall ensure that supervisors verify at regular intervals and on a risk-sensitive basis whether the requirements of paragraphs 1 and 2 continue to be met. In particular, they shall verify whether the senior management acts with honesty and integrity and possesses knowledge and expertise necessary to carry out their functions in cases where there are reasonable grounds to suspect that money laundering or terrorist financing is being or has been committed or attempted, or there is increased risk thereof in an obliged entity.	3. Member States shall ensure that supervisors verify ~~at regular intervals and on a risk-sensitive basis~~ whether the ~~requirements of paragraphs 1 and 2 continue to be met. In particular, they shall verify whether the senior management~~ <u>senior management of the obliged entities referred to in paragraph 1 and 2</u> acts with honesty and integrity and possesses knowledge and expertise necessary to carry out their functions in cases where there are reasonable grounds to suspect that money laundering or terrorist financing is being or has been committed or attempted, or there is increased risk thereof in an obliged entity.	3. Member States shall ensure that supervisors verify at regular intervals and on a risk-sensitive basis whether the requirements of paragraphs 1 and 2 continue to be met. In particular, they shall verify whether the senior management <u>is of good repute</u>, acts with honesty and integrity and possesses <u>proven</u> knowledge and expertise necessary to carry out their functions in cases where there are reasonable grounds to suspect that money laundering or terrorist financing is being or has been committed or attempted, or there is increased risk thereof in an obliged entity.	3. <u>[</u>Member States shall ensure that supervisors verify at regular intervals ~~and~~, on a risk-sensitive basis whether the requirements of paragraphs 1 and 2 continue to be met. In particular, they shall verify whether the senior management acts with honesty and integrity and possesses knowledge and expertise necessary to carry out their functions in cases where there are reasonable grounds to suspect that money laundering or terrorist financing is being or has been committed or attempted, or there is increased risk thereof in an obliged entity.<u>]</u> Council to check on the proposal. CONS to revert Text Origin: Commission Proposal TM1 31/05/2023
Article 6(4)				
158	4. Supervisors shall have the power to request the removal of any person convicted of money laundering, any of its predicate offences or terrorist financing from the management role of the obliged entities referred to in paragraphs 1 and 2. Supervisors shall have the power to remove members of the senior management	4. Supervisors shall have the power to request the removal of any person convicted of money laundering, any of its predicate offences or terrorist financing from the management role of the obliged entities referred to in paragraphs 1 and 2. Supervisors shall have the power to remove members of the senior management	4. ~~Supervisors~~ <u>Member States</u> shall <u>ensure that supervisors</u> have the power to request the removal of any person convicted of money laundering, any of its predicate offences or terrorist financing from the management role of the obliged entities referred to in paragraphs 1 and 2. Supervisors shall have the	4. ~~Supervisors~~ <u>Member States</u> shall <u>ensure that supervisors</u> have the power to request the removal of any person convicted of money laundering, ~~any of its~~ <u>relevant</u> predicate offences or terrorist financing from the management role of the obliged entities referred to in paragraphs 1 and 2. Supervisors

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	that are not deemed to act with honesty and integrity and possess knowledge and expertise necessary to carry out their functions.	that are not deemed to act with honesty and integrity and possess knowledge and expertise necessary to carry out their functions.	power to remove <u>or suspend</u> members of the senior management <u>where it is deemed that they ~~that~~ are not ~~deemed to act of good repute,~~ have not acted</u> with honesty and integrity ~~and/or do not~~ possess <u>proven</u> knowledge and expertise necessary to carry out their functions. <u>In cases where no management role exists in an obliged entity, supervisors shall have the power to take adequate measures where it has been deemed that the requirements laid down in paragraph 1 are not met.</u>	shall have the power to remove <u>or suspend</u> members of the senior management that are not deemed to act with honesty and integrity, <u>[be of good repute]</u> and possess knowledge and expertise necessary to carry out their functions. Text Origin: Commission Proposal TM1 31/05/2023
Article 6(4a)				
158a			<u>4a. Member States shall ensure that supervisors have the power to request the suspension of any person from the management role of an obliged entity as referred to in paragraphs 1 and 2 or, in the case where no management role exists in an obliged entity, to take adequate measures, where there are reasonable grounds to suspect that money laundering or terrorist financing is being or has been committed or attempted, or that the risk thereof could increase in connection with that obliged entity.</u>	<u>4a. [placeholder]</u> EP to reflect on redrafting the proposal / Council to check if EP proposal acceptable EP to revert TM1 31/05/2023
Article 6(5)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
159	5. Where the person convicted of money laundering, any of its predicate offences or terrorist financing is the beneficial owner of an obliged entity referred to in paragraph 2, Member States shall ensure that such persons can be disassociated from any obliged entity, including by granting supervisors the power to request the divestment of the holding by the beneficial owner in an obliged entity.	5. Where the person convicted of money laundering, any of its predicate offences or terrorist financing is the beneficial owner of an obliged entity referred to in paragraph 2, Member States shall ensure that such persons can be disassociated from any obliged entity, including by granting supervisors the power to request the divestment of the holding by the beneficial owner in an obliged entity.	5. Where the person convicted of money laundering, any of its predicate offences or terrorist financing is the beneficial owner of an obliged entity referred to in paragraph 2, Member States shall ensure that such persons ~~can be~~ <u>are</u> disassociated from any obliged entity, including by granting supervisors the power to request the divestment of the holding by the beneficial owner in an obliged entity.	5. Where the person convicted of money laundering, ~~any of its~~ <u>relevant</u> predicate offences or terrorist financing is the beneficial owner of an obliged entity referred to in paragraph 2, Member States shall ensure that ~~such persons can be~~ <u>supervisors have the power to disassociate such persons</u> from any obliged entity, including by granting supervisors the power to request the divestment of the holding by the beneficial owner in an obliged entity. Text Origin: Commission Proposal TM1 31/05/2023
Article 6(6)				
160	6. For the purposes of this Article, Member States shall ensure that, in accordance with their national law, supervisors or any other authority competent at national level for assessing the appropriateness of persons referred to in paragraphs 1 and 2, check the existence of a relevant conviction in the criminal record of the person concerned. Any exchange of information for those purposes shall be carried out in accordance with Framework Decision 2009/315/JHA and	6. For the purposes of this Article, Member States shall ensure that, in accordance with their national law, supervisors or any other authority competent at national level for assessing the appropriateness of persons referred to in paragraphs 1 and 2, check the existence of a relevant conviction in the criminal record of the person concerned. Any exchange of information for those purposes shall be carried out in accordance with Framework Decision 2009/315/JHA and	6. For the purposes of this Article, Member States shall ensure that, in accordance with their national law, supervisors or any other authority competent at national level for assessing the appropriateness of persons referred to in paragraphs 1 and 2, check <u>at least</u> the existence of a relevant conviction in the criminal record of the person concerned. Any exchange of information for those purposes shall be carried out in accordance with Framework Decision 2009/315/JHA and	6. <u>[</u> For the purposes of this Article, Member States shall ensure that, in accordance with their national law, supervisors or any other authority competent at national level for assessing the appropriateness of persons referred to in paragraphs 1 and 2, check the existence of a relevant conviction in the criminal record of the person concerned. Any exchange of information for those purposes shall be carried out in accordance with Framework Decision 2009/315/JHA and

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Decision 2009/316/JHA as implemented in national law.	Decision 2009/316/JHA as implemented in national law.	Decision 2009/316/JHA as implemented in national law.	Decision 2009/316/JHA as implemented in national law. <u>ADDITION TO RECITAL (9):</u> <u><i>For the purposes of assessing the appropriateness of persons holding a management function in, or otherwise controlling, obliged entities, any exchange of information about criminal convictions should be carried out in accordance with Council Framework Decision 2009/315/JHA and Council Decision 2009/316/JHA. In addition, supervisors should be able to access information necessary to verify the knowledge and expertise of the senior management, as well as their honesty and integrity and that of the obliged entity's beneficial owners, including information available through reliable and independent sources.</i></u> Addition to recital (9) based on COM draft proposal from 6/7/2023 EP to revert CONS to revert Text Origin: Commission Proposal TM1 31/05/2023 TM5 17072023 TM17 17102023
Article 6(6a)				

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 151/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
160a			<u>6a. Member States shall ensure that decisions taken by supervisors pursuant to this Article are subject to administrative appeal and to an effective judicial remedy.</u>	<u>6a. [Member States shall ensure that decisions taken pursuant to this Article are subject to appeal and to an effective judicial remedy.]</u> CONS to revert with possible drafting to make sure this allows for sufficient flexibility with regard to legal systems CONS to revert Text Origin: EP Mandate TM2 01/06/2023
Article 6(6b)				
160b			<u>6b. By ... [two years after the date of transposition of this Directive], AMLA shall issue guidelines on the elements to be taken into account by supervisors when assessing whether:</u> <u>(a) the senior managers and the beneficial owners of obliged entities referred to in paragraph 1 and 2 act with honesty and integrity;</u> <u>(b) the senior management of obliged entities referred to in paragraph 1 and 2 are of good repute and possess proven knowledge and expertise necessary to carry out their functions.</u> <u>(c) there are reasonable grounds to suspect that money</u>	<u>6b. [placeholder - tbd]</u> depends on outcome for para 1 and 2 TM2 01/06/2023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>laundrying or terrorist financing is being or has been committed or attempted, or that the risk thereof could increase in connection with that obliged entity.</u> <u>When drawing up the guidelines referred to in the first subparagraph of this Paragraph, AMLA shall take into account the specificities of each sector in which the obliged entities operate and of previous guidelines issued jointly by the European Securities and Market Authority and the European Banking Authority on the assessment of the suitability of members of the management body and key function holders under Directive 2013/36/EU and Directive 2014/65/EU of the European Parliament and of the Council¹.</u> <u>1. Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).</u>	
Article 6(6c)				
160c			<u>6c. Member States shall ensure that supervisors or any other authority competent at national level for assessing the appropriateness of persons as referred to in paragraphs 1 and 2 of</u>	<u>6c. [placeholder - tbd]</u> depends on outcome of article 44 / sanctions database and article 11 AMLA Regulation

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			this Article consult the AMLA database of sanctions provided for in Article 44(2).	AMLA related Text Origin: EP Mandate TM2 01/06/2023
Section 2				
161	Section 2 Risk assessments	Section 2 Risk assessments	Section 2 Risk assessments	Section 2 Risk assessments Text Origin: Commission Proposal
Article 7				
162	Article 7 Supra-national risk assessment	Article 7 Supra-national risk assessment	Article 7 Supra-national risk assessment	Article 7 Supra-national risk assessment Text Origin: Commission Proposal
Article 7(1), first subparagraph				
163	1. The Commission shall conduct an assessment of the risks of money laundering and terrorist financing affecting the internal market and relating to cross-border activities.	1. The Commission shall conduct an assessment of the risks of money laundering and terrorist financing and non-implementation and evasion of proliferation financing-related targeted financial sanctions affecting the internal market and relating to cross-border activities.	1. The Commission shall conduct an assessment of the risks of money laundering and terrorist financing affecting the internal market and relating to cross-border activities.	1. The Commission shall conduct an assessment of the risks of money laundering and terrorist financing and [placeholder on targeted financial sanctions] affecting the internal market and relating to cross-border activities. depends on outcome on TFS / extension beyond PF-related sanctions TFS Text Origin: Council Mandate

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				TM2 of 01062023
Article 7(1a)				
163a			<u>The report referred to in the first subparagraph shall be made public, except for those parts which contain classified information.</u>	<u>1a. The report referred to in the first subparagraph shall be made public, except for those parts which contain classified information.</u> Text Origin: EP Mandate TM2 of 01062023
Article 7(1), second subparagraph				
164	To that end, the Commission shall, at the latest by [4 years after the date of transposition of this Directive], draw up a report identifying, analysing and evaluating those risks at Union level. Thereafter, the Commission shall update its report every four years. The Commission may update parts of the report more frequently, if appropriate.	To that end, the Commission shall, at the latest by <u>[4 years after the date of transposition of this Directive]</u> ~~[4 years after the date of transposition of this Directive]~~ , draw up a report identifying, analysing and evaluating those risks at Union level. Thereafter, the Commission shall update its report every four years. The Commission may update parts of the report more frequently, if appropriate.	To that end, the Commission shall, ~~at the latest by [4]~~ <u>by [four]</u> years after the ~~date of transposition~~ <u>entry into force</u> of this Directive], draw up a report identifying, analysing and evaluating those risks at Union level. Thereafter, the Commission shall update its report every ~~four~~ <u>three</u> years. The Commission may update parts of the report more frequently, if appropriate.	To that end, the Commission shall, ~~at the latest by [4]~~ <u>by [four]</u> years after the ~~date of transposition~~ <u>entry into force</u> of this Directive], draw up a report identifying, analysing and evaluating those risks at Union level. Thereafter, the Commission shall update its report every ~~four~~ <u>[three/four]</u> years. The Commission may update parts of the report more frequently, if appropriate. <u>When, in the process of updating the report, the Commission identifies new risks, it may recommend to Member States to consider updating their national risk assessments or carry out sectoral risk assessments pursuant to article 8 in order to assess those risks.</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				EP to check and revert on frequency of updating EP to revert Text Origin: EP Mandate TM2 01/06/2023
Article 7(2)				
165	2. The report referred to in paragraph 1 shall cover at least the following:	2. The report referred to in paragraph 1 shall cover at least the following:	2. The report referred to in paragraph 1 shall cover at least the following:	2. The report referred to in paragraph 1 shall cover at least the following: Text Origin: Commission Proposal
Article 7(2), point (a)				
166	(a) the areas and sectors of the internal market that are exposed to money laundering and terrorist financing risks;	(a) the areas and sectors of the internal market that are exposed to money laundering and terrorist financing risks;	(a) the areas and sectors of the internal market that are exposed to money laundering and terrorist financing risks;	(a) the areas and sectors of the internal market that are exposed to money laundering and terrorist financing risks; Text Origin: Commission Proposal
Article 7(2), point (b)				
167	(b) the nature and level of the risks associated with each area and sector;	(b) the nature and level of the risks associated with each area and sector;	(b) the nature and level of the risks associated with each area and sector;	(b) the nature and level of the risks associated with each area and sector; Text Origin: Commission Proposal
Article 7(2), point (c)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
168	(c) the most widespread means used to launder illicit proceeds, including, where available, those particularly used in transactions between Member States and third countries, independently of the identification of a third country pursuant to Section 2 of Chapter III of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final];	(c) the most widespread means used to launder illicit proceeds, including, where available, those particularly used in transactions between Member States and third countries, independently of the identification of a third country pursuant to Section 2 of Chapter III of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ ;	(c) the most widespread means used to launder illicit proceeds, including, where available, those particularly used in transactions between Member States and third countries, independently of the identification of a third country pursuant to Section 2 of Chapter III of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final];	(c) the most widespread means used to launder illicit proceeds, including, where available, those particularly used in transactions between Member States and third countries, independently of the identification of a third country pursuant to Section 2 of Chapter III of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]; Text Origin: Commission Proposal TM2 of 01062023
Article 7(2), point (ca)				
168a			<u>(ca) an assessment of the risks of money laundering and terrorist financing associated with legal persons and legal arrangements, including the exposure to risks deriving from foreign legal persons and legal arrangements;</u>	<u>(ca) an assessment of the risks of money laundering and terrorist financing associated with legal persons and legal arrangements, including the exposure to risks deriving from foreign legal persons and legal arrangements;</u> Text Origin: EP Mandate TM2 01/06/2023
Article 7(2), point (d)				
169	(d) the risks of non-implementation and evasion of proliferation financing-related targeted financial sanctions.	(d) the risks of non-implementation and evasion of proliferation financing-related targeted financial sanctions.	(d) the risks of non-implementation and evasion of ~~proliferation financing-related~~ targeted financial sanctions;	(d) the risks of non-implementation and evasion of ~~proliferation financing-related~~ [targeted financial sanctions-]

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				depends on outcome of scope of TFS - whether there is extension beyond PF TFS Text Origin: EP Mandate TM2 of 01062023
Article 7(3)				
170	3. The Commission shall make recommendations to Member States on the measures suitable for addressing the identified risks. In the event that Member States decide not to apply any of the recommendations in their national AML/CFT regimes, they shall notify the Commission thereof and provide a justification for such a decision.	3. The Commission shall make recommendations to Member States on the measures suitable for addressing the identified risks. In the event that Member States decide not to apply any of the recommendations in their national AML/CFT regimes, they shall notify the Commission thereof and provide a justification for such a decision.	3. The Commission shall make recommendations to Member States on the measures suitable for addressing the identified risks <u>and deficiencies. Member States shall endeavour to follow those recommendations</u>. In the event that Member States decide not to apply any of the recommendations in their national AML/CFT regimes, they shall notify the Commission thereof and provide a <u>detailed justification stating legitimate reasons</u> for such a decision. <u>The Commission's recommendations and the Member States' decisions in response to those recommendations, including the justifications where they decide not to apply any of the recommendations, shall be made public.</u>	3. The Commission shall make recommendations to Member States on the measures suitable for addressing the identified risks <u>[and deficiencies]. [Member States shall endeavour to follow those recommendations]</u>. In the event that Member States decide not to apply any of the recommendations in their national AML/CFT regimes, they shall notify the Commission thereof and provide a <u>detailed justification stating [legitimate] reasons</u> for such a decision. <u>[The Commission's recommendations and the Member States' decisions in response to those recommendations, including the justifications where they decide not to apply any of the recommendations, shall be made public.]</u> TBD - EC to provide further explanations, in particular on the last sentence in brackets.

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				EC to revert Text Origin: EP Mandate
Article 7(4)				
171	4. By [3 years after the date of transposition of this Directive], AMLA shall issue an opinion addressed to the Commission on the risks of money laundering and terrorist financing affecting the Union. Thereafter, AMLA shall issue an opinion every two years.	4. By <u>[3 years after the date of transposition of this Directive]</u>~~[3 years after the date of transposition of this Directive]~~, AMLA shall issue an opinion addressed to the Commission on the risks of money laundering and terrorist financing affecting the Union. Thereafter, AMLA shall issue an opinion every two years.	4. By <u>..</u> [3 years after the date of transposition of this Directive], AMLA, <u>in accordance with article 44 of Regulation ... [please insert reference to AMLA Regulation - 2021/0240(COD)]</u>, shall issue an opinion addressed to the Commission on the risks of money laundering and terrorist financing affecting the Union. Thereafter, AMLA shall issue an opinion every two years. <u>AMLA may issue opinions or updates of its previous opinions more frequently, where it deems it appropriate to do so. The opinions issued by AMLA shall be made public, except for those parts which contain classified information.</u>	4. By [3 years after the date of transposition of this Directive], AMLA, <u>in accordance with article 44 of Regulation [please insert reference to AMLA Regulation - 2021/0240(COD)]</u>, shall issue an opinion addressed to the Commission on the risks of money laundering and terrorist financing affecting the Union. Thereafter, AMLA shall issue an opinion every two years. <u>AMLA may issue opinions or updates of its previous opinions more frequently, where it deems it appropriate to do so. The opinions issued by AMLA shall be made public, except for those parts which contain classified information.</u> Text Origin: EP Mandate TM2 of 01062023
Article 7(5)				
172	5. In conducting the assessment referred to in paragraph 1, the Commission shall organise the work at Union level, shall take into	5. In conducting the assessment referred to in paragraph 1, the Commission shall organise the work at Union level, shall take into	5. In conducting the assessment referred to in paragraph 1, the Commission shall organise the work at Union level, shall take into	5. In conducting the assessment referred to in paragraph 1, the Commission shall organise the work at Union level, shall take into

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	account the opinions referred to in paragraph 4 and shall involve the Member States' experts in the area of AML/CFT, representatives from national supervisory authorities and FIUs, as well as AMLA and other Union level bodies where appropriate.	account the opinions referred to in paragraph 4 and shall involve the Member States' experts in the area of AML/CFT, representatives from national supervisory authorities and FIUs, as well as AMLA and other Union level bodies where appropriate.	account the opinions referred to in paragraph 4 and shall involve the Member States' experts in the area of AML/CFT, representatives from national supervisory authorities and FIUs, ~~as well as~~ AMLA and other Union level bodies, <u>and other relevant stakeholders</u> , where appropriate.	account the opinions referred to in paragraph 4 and shall involve the Member States' experts in the area of AML/CFT, representatives from national supervisory authorities and FIUs, ~~as well as~~ AMLA and other Union level bodies, <u>and other relevant stakeholders</u> , where appropriate. Text Origin: EP Mandate TM2 of 01062023
Article 7(6)				
173	6. Within 2 years of the adoption of the report referred to in paragraph 1, and every four years thereafter, the Commission shall submit a report to the European Parliament and to the Council on the actions taken based on the findings of that report.	6. Within 2 years of the adoption of the report referred to in paragraph 1, and every four years thereafter, the Commission shall submit a report to the European Parliament and to the Council on the actions taken based on the findings of that report.	6. Within <u>2two</u> years of the adoption of the report referred to in paragraph 1, and every ~~four~~ <u>three</u> years thereafter, the Commission shall submit a report to the European Parliament and to the Council on the actions taken based on the findings of that report.	6. Within <u>2two</u> years of the adoption of the report referred to in paragraph 1, and every ~~four~~ <u>[three/four]</u> years thereafter, the Commission shall submit a report to the European Parliament and to the Council on the actions taken based on the findings of that report. linked to the frequency of SNRA Text Origin: EP Mandate TM2 of 01062023
Article 8				
174	Article 8 National risk assessment	Article 8 National risk assessment	Article 8 National risk assessment	Article 8 National risk assessment Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 8(1), first subparagraph				
175	1. Each Member State shall carry out a national risk assessment to identify, assess, understand and mitigate the risks of money laundering and terrorist financing affecting it. It shall keep that risk assessment up to date and review it at least every four years.	1. Each Member State shall carry out a national risk assessment to identify, assess, understand and mitigate the risks of money laundering and terrorist financing affecting it. It shall keep that risk assessment up to date and review it at least every four years.	1. Each Member State shall carry out a national risk assessment to identify, assess, understand and mitigate the risks of money laundering and terrorist financing, <u>and the risks of non-implementation and evasion of targeted financial sanctions</u> affecting it. It shall <u>assess risks on a continuous basis</u>, keep that risk assessment up to date and review it at least every ~~four~~<u>three</u> years. <u>Member States may decide to carry out a review of that risk assessment more frequently, where they deem it appropriate to do so. In addition, they may carry out ad hoc sectoral risk assessments depending on the level of risk.</u>	1. Each Member State shall carry out a national risk assessment to identify, assess, understand and mitigate the risks of money laundering and terrorist financing, <u>[and the risks of non-implementation and evasion of targeted financial sanctions]</u> affecting it. It shall ~~-~~ keep that risk assessment up to date and review it at least every four years. <u>Where Member States consider that the risk situation so requires, they may review the risk assessment more frequently or conduct ad hoc sectoral risk assessments.</u> <u>MODIFICATED RECITAL (12)</u> <u>The Member States remain the best placed to identify, assess, understand and decide how to mitigate risks of money laundering and terrorist financing affecting them directly. Therefore, each Member State should take the appropriate steps in an effort to properly identify, assess and understand its money laundering and terrorist financing risks, as well as risks of non-implementation and evasion of targeted financial sanctions and to define a coherent</u>

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 161/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				<u>national strategy to put in place actions to mitigate those risks. Such national risk assessment should include a description of the institutional structure and broad procedures of the Member State's AML/CFT regime, as well as the allocated human and financial resources to the extent that this information is available. In order to maintain an ongoing understanding of risks, Member States should regularly update their national risk assessment, and may also supplement it with targeted updates and assessments of risks associated with specific sectors, products or services.</u> Placeholder on TFS Modification on Recital 12 based on COM draft proposal from 6/7/2023 Agreement on Recital in TM17 17.10.2023 TFS CONS to revert Text Origin: EP Mandate TM2 of 01062023 TM5 17072023 TM17 17102023
Article 8(1a)				
175a			<u>Based on the identification of</u>	<u>1a. (deleted)</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>country-specific risks and for good reason, the Commission may require Member States to review their risk assessment earlier than provided for in the first subparagraph in order to reduce the risk of money laundering and terrorist financing in the Union.</u>	covered by line 164 Text Origin: EP Mandate TM2 of 01062023
Article 8(1), second subparagraph				
176	Each Member State shall also take appropriate steps to identify, assess, understand and mitigate the risks of non-implementation and evasion of proliferation financing-related targeted financial sanctions.	Each Member State shall also take appropriate steps to identify, assess, understand and mitigate the risks of non-implementation and evasion of proliferation financing-related targeted financial sanctions.	Each Member State shall also take appropriate steps to identify, assess, understand and mitigate the risks of non-implementation and evasion of ~~proliferation financing-related~~ targeted financial sanctions.	Each Member State shall also take appropriate steps to identify, assess, understand and mitigate the risks of non-implementation and evasion of ~~proliferation financing-related~~ [targeted financial sanctions.] depends on outcome on TFS TFS Text Origin: EP Mandate
Article 8(2)				
177	2. Each Member State shall designate an authority or establish a mechanism to coordinate the national response to the risks referred to in paragraph 1. The identity of that authority or the description of the mechanism shall be notified to the Commission, AMLA, and other Member States.	2. Each Member State shall designate an authority or establish a mechanism to coordinate the national response to the risks referred to in paragraph 1. The identity of that authority or the description of the mechanism shall be notified to the Commission, AMLA, and other Member States.	2. Each Member State shall designate an authority or establish a mechanism to coordinate the national response to the risks referred to in paragraph 1. The identity of that authority or the description of the mechanism shall be notified to the Commission, AMLA, <u>Europol</u> and other Member	2. Each Member State shall designate an authority or establish a mechanism to coordinate the national response to the risks referred to in paragraph 1. The identity of that authority or the description of the mechanism shall be notified to the Commission. <u>The Commission shall publish the list of</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			States. <u>AMLA shall keep a repository of the designated authorities or established mechanisms. If a Member State establishes a mechanism, in particular to coordinate responses at regional or local level, efficient and effective coordination shall be ensured between all the authorities involved.</u>	<u>the designated authorities or established mechanism in the Official Journal.</u> NEW RECITAL: <u>(14a) In order to effectively mitigate the risks identified in the national risk assessment, Member States should ensure consistent action at national level, whether by appointing an authority to coordinate the national response, or by establishing a mechanism to that end. Irrespective of the approach chosen, ~~AMLA, and other~~ Member States should ensure that the authority or mechanism has sufficient powers and resources to perform this task effectively and ensure adequate responses to the identified risks.</u> Recital based on COM draft proposal from 6/7/2023 Text Origin: EP Mandate TM2 of 01062023 TM17 17102023
Article 8(3)				
178	3. In carrying out the national risk assessments referred to in paragraph 1 of this Article, Member States shall take into account the report referred to in Article 7(1).	3. In carrying out the national risk assessments referred to in paragraph 1 of this Article, Member States shall take into account the report referred to in Article 7(1) <u>as well as any relevant sectoral risk</u>	3. In carrying out the national risk assessments referred to in paragraph 1 of this Article, Member States shall take into account the <u>methodology used by the Commission for the</u> report referred	3. In carrying out the national risk assessments referred to in paragraph 1 of this Article, Member States shall take into account the report referred to in Article 7(1), <u>including sectors and products covered and</u>

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>assessment carried out by the Member State.</u>	to in Article 7(1) <u>and the results of that report.</u>	<u>the findings of that report.</u> <u>Recital to be added</u> Text Origin: EP Mandate TM2 of 01062023
Article 8(4), first subparagraph				
179	4. Each Member State shall use the national risk assessment to:	4. Each Member State shall use the national risk assessment to:	4. Each Member State shall use the national risk assessment to:	4. Each Member State shall use the national risk assessment to: Text Origin: Commission Proposal
Article 8(4), first subparagraph, point (a)				
180	(a) improve its AML/CFT regime, in particular by identifying any areas where obliged entities are to apply enhanced measures and, where appropriate, specifying the measures to be taken;	(a) improve its AML/CFT regime, in particular by identifying any areas where obliged entities are to apply enhanced measures and, where appropriate, specifying the measures to be taken;	(a) improve its AML/CFT regime, in particular by identifying any areas where obliged entities are to apply enhanced measures <u>in line with a risk-based approach</u> and, where appropriate, specifying the measures to be taken;	(a) improve its AML/CFT regime, in particular by identifying any areas where obliged entities are to apply enhanced measures <u>in line with a risk-based approach</u> and, where appropriate, specifying the measures to be taken; Text Origin: EP Mandate TM2 01062023
Article 8(4), first subparagraph, point (b)				
181	(b) identify, where appropriate, sectors or areas of lower or greater risk of money laundering and terrorist financing;	(b) identify, where appropriate, sectors or areas of lower or greater risk of money laundering and terrorist financing;	(b) identify, where appropriate, sectors or areas of lower or greater risk of money laundering and terrorist financing;	(b) identify, where appropriate, sectors or areas of lower or greater risk of money laundering and terrorist financing; Text Origin: Commission

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Proposal
Article 8(4), first subparagraph, point (c)				
182	(c) assess the risks of money laundering and terrorist financing associated with each type of legal person and legal arrangement in their territory and have an understanding of the exposure to risks deriving from foreign legal persons and legal arrangements;	(c) assess the risks of money laundering and terrorist financing associated with each type of legal person and legal arrangement in their territory and have an understanding of the exposure to risks deriving from foreign legal persons and legal arrangements;	(c) assess the risks of money laundering and terrorist financing associated with each type of legal person and legal arrangement in their territory, <u>taking into account the typical ownership and control structure of different types of legal entities including the number of layers of ownership and the type of legal entity in each layer</u> , and have an understanding of the exposure to risks deriving from foreign legal persons and legal arrangements, <u>in particular those which have a multi-layered control structure involving several jurisdictions</u> ;	(c) assess the risks of money laundering and terrorist financing associated with each type of legal person and legal arrangement in their territory and- have an understanding of the exposure to risks deriving from foreign legal persons and legal arrangements. <u>Where relevant, that assessment shall also include an analysis of the risks stemming from the complexity of the ownership structures</u> ; To be covered under BO-part of AML regulation: in particular those which have a multi-layered control structure involving several jurisdictions; AMLR related Text Origin: Commission Proposal TM2 01062023
Article 8(4), first subparagraph, point (ca)				
182a			<u>(ca) identify patterns of money laundering and terrorist financing and assess trends for the associated risks at national or crossborder level</u> ;	<u>(ca) [deleted]</u> Covered by Art 21, 17 and 8(4) b TM2 01062023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 8(4), first subparagraph, point (d)				
183	(d) decide on the allocation and prioritisation of resources to combat money laundering and terrorist financing as well as non-implementation and evasion of proliferation financing-related targeted financial sanctions;	(d) decide on the allocation and prioritisation of resources to combat money laundering and terrorist financing as well as non-implementation and evasion of proliferation financing-related targeted financial sanctions;	(d) decide on the allocation and prioritisation of resources to combat money laundering and terrorist financing as well as non-implementation and evasion of ~~proliferation financing-related~~ targeted financial sanctions;	(d) decide on the allocation and prioritisation of resources to combat money laundering and terrorist financing as well as non-implementation and evasion of ~~proliferation financing-related~~ [targeted financial sanctions]; TFS Text Origin: EP Mandate
Article 8(4), first subparagraph, point (e)				
184	(e) ensure that appropriate rules are drawn up for each sector or area, in accordance with the risks of money laundering and terrorist financing;	(e) ensure that appropriate rules are drawn up for each sector or area, in accordance with the risks of money laundering and terrorist financing;	(e) ensure that appropriate rules are drawn up for each sector or area, in accordance with the risks of money laundering and terrorist financing;	(e) ensure that appropriate rules are drawn up for each sector or area, in accordance with the risks of money laundering and terrorist financing; Text Origin: Commission Proposal
Article 8(4), first subparagraph, point (f)				
185	(f) make appropriate information available promptly to competent authorities and to obliged entities to facilitate the carrying out of their own money laundering and terrorist financing risk assessments as well as the assessment of risks of evasion of proliferation financing-related targeted financial sanctions referred to in Article 8 of Regulation [please	(f) make appropriate information available promptly to competent authorities and to obliged entities to facilitate the carrying out of their own money laundering and terrorist financing risk assessments as well as the assessment of risks of evasion of proliferation financing-related targeted financial sanctions referred to in Article 8 of Regulation [please	(f) make appropriate information available promptly to competent authorities and to obliged entities to facilitate the carrying out of their own money laundering and terrorist financing risk assessments as well as the assessment of risks of evasion of ~~proliferation financing-related~~ targeted financial sanctions referred to in Article 8 of Regulation [please	(f) make appropriate information available promptly to competent authorities and to obliged entities to facilitate the carrying out of their own money laundering and terrorist financing risk assessments as well as the assessment of risks of evasion of ~~proliferation financing-related~~ [targeted financial sanctions] referred to in Article 8 of Regulation [please

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final].	<u>insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ .	insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final].	insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]. TFS Text Origin: Commission Proposal
Article 8(4), first subparagraph, point (fa)				
185a			<u>(fa) assess the performance of supervisors of obliged entities;</u>	<u>(fa) [deleted]</u> to be discussed under peer reviews TM2 01062023
Article 8(4), first subparagraph, point (fb)				
185b			<u>(fb) assess the performance of registers and data retrieval systems specified in this Directive and identify weaknesses to be addressed;</u>	<u>(fb) [placeholder]</u> to be discussed under peer reviews TM2 01062023
Article 8(4), second subparagraph				
186	In the national risk assessment, Member States shall describe the institutional structure and broad procedures of their AML/CFT regime, including, inter alia, the FIU, tax authorities and prosecutors, as well as the allocated human and financial resources to the extent that	In the national risk assessment, Member States shall describe the institutional structure and broad procedures of their AML/CFT regime, including, inter alia, the FIU, tax authorities and prosecutors, as well as the allocated human and financial resources to the extent that	In the national risk assessment, Member States shall describe the institutional structure and broad procedures of their AML/CFT regime, including, inter alia, the FIU, tax authorities and prosecutors, ~~as well as the allocated human and financial resources to the extent that~~	In the national risk assessment, Member States shall describe the institutional structure and broad procedures of their AML/CFT regime, including, inter alia, the FIU, tax authorities and prosecutors, <u>the mechanisms for cooperation with counterparts within the EU or</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	this information is available.	this information is available.	~~this information is available~~ <u>the level of European and international cooperation with regard to money laundering and terrorist financing, the whistleblower protection mechanisms as well as the allocated human and financial resources.</u>	<u>in third countries</u> , as well as the allocated human and financial resources to the extent that this information is available. Text Origin: Commission Proposal TM2 01062023
Article 8(4a)				
186a			<u>Member States shall ensure appropriate participation of competent authorities and relevant stakeholders when carrying out their national risk assessment.</u>	<u>4a. Member States shall ensure appropriate participation of competent authorities and relevant stakeholders when carrying out their national risk assessment.</u> Text Origin: EP Mandate TM2 01062023
Article 8(5)				
187	5. Member States shall make the results of their national risk assessments, including their updates, available to the Commission, to AMLA and to the other Member States. Any Member State may provide relevant additional information, where appropriate, to the Member State carrying out the national risk assessment. A summary of the assessment shall be made publicly available. That summary shall not contain classified information. The information	5. Member States shall make the results of their national risk assessments, including their updates, available to the Commission, to AMLA and to the other Member States. Any Member State may provide relevant additional information, where appropriate, to the Member State carrying out the national risk assessment. A summary of the assessment shall be made publicly available. That summary shall not contain classified information. The information	5. Member States shall make the results of their national risk assessments, including their updates <u>and reviews</u> , available to the Commission, to AMLA and to the other Member States. Any Member State may provide relevant additional information, where appropriate, to the Member State carrying out the national risk assessment. A summary <u>of the results</u> of the assessment shall be made publicly available. That summary shall not contain classified	5. Member States shall make the results of their national risk assessments, including their updates <u>and reviews</u> , available to the Commission, to AMLA and to the other Member States. Any Member State may provide relevant additional information, where appropriate, to the Member State carrying out the national risk assessment. A summary of the <u>findings of the</u> assessment shall be made publicly available. That summary shall not contain classified

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	contained therein shall not permit the identification of any natural or legal person.	contained therein shall not permit the identification of any natural or legal person.	information <u>and shall in general respect high standards of data protection</u> . The information contained therein shall not ~~permit the identification of~~ <u>name</u> any natural or legal ~~person~~ <u>persons</u> .	information. The information contained therein shall not permit the identification of any natural ~~or person nor name any~~ legal person. Text Origin: EP Mandate TM2 01062023
Article 8(5a)				
187a			<u>5a. The Commission and AMLA shall make recommendations to Member States on the measures suitable for addressing the risk identified in the national risk assessments. In the event that a Member State decides not to apply any of the recommendations in its national AML/CFT regime, it shall notify the Commission thereof and provide a justification for that decision.</u>	<u>5a. [Placeholder]</u> EP Proposal: The Commission may upon receiving the reports make recommendations to or request information from the Member States on the national risk assessments. Text Origin: EP Mandate
Article 9				
188	Article 9 Statistics	Article 9 Statistics	Article 9 Statistics	Article 9 Statistics Text Origin: Commission Proposal
Article 9(1)				
189	1. Member States shall maintain	1. Member States shall maintain	1. Member States shall maintain	1. Member States shall maintain

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	comprehensive statistics on matters relevant to the effectiveness of their AML/CFT frameworks in order to review the effectiveness of those frameworks.	comprehensive statistics on matters relevant to the effectiveness of their AML/CFT frameworks in order to review the effectiveness of those frameworks.	comprehensive statistics on matters relevant to the effectiveness of their AML/CFT frameworks in order to review the effectiveness of those frameworks.	comprehensive statistics on matters relevant to the effectiveness of their AML/CFT frameworks in order to review the effectiveness of those frameworks. Text Origin: Commission Proposal
Article 9(2)				
190	2. The statistics referred to in paragraph 1 shall include:	2. The statistics referred to in paragraph 1 shall include:	2. The statistics referred to in paragraph 1 shall include:	2. The statistics referred to in paragraph 1 shall include: Text Origin: Commission Proposal
Article 9(2), point (a)				
191	(a) data measuring the size and importance of the different sectors which fall within the scope of this Directive, including the number of natural persons and entities and the economic importance of each sector;	(a) data measuring the size and importance of the different sectors which fall within the scope of this Directive, including the number of natural persons and entities and the economic importance of each sector;	(a) data measuring the size and importance of the different sectors which fall within the scope of this Directive, including the number of natural persons and entities and the economic importance of each sector;	(a) data measuring the size and importance of the different sectors which fall within the scope of this Directive, including the number of natural persons and entities and the economic importance of each sector; Text Origin: Commission Proposal
Article 9(2), point (b)				
192	(b) data measuring the reporting, investigation and judicial phases of the national AML/CFT regime, including the number of suspicious transaction reports made to the FIU,	(b) data measuring the reporting, investigation and judicial phases of the national AML/CFT regime, including the number of suspicious transaction reports made to the FIU,	(b) data measuring the reporting, investigation and judicial phases of the national AML/CFT regime, including the number of suspicious transaction reports made to the FIU	(b) data measuring the reporting, investigation and judicial phases of the national AML/CFT regime, including the number of suspicious transaction reports made to the FIU,

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	the follow-up given to those reports, the information on cross-border physical transfers of cash submitted to the FIU in accordance with Article 9 of Regulation (EU) 2018/1672 together with the follow-up given to the information submitted and, on an annual basis, the number of cases investigated, the number of persons prosecuted, the number of persons convicted for money laundering or terrorist financing offences, the types of predicate offences identified in accordance with Article 2 of Directive (EU) 2018/1673 of the European Parliament and of the Council¹ where such information is available, and the value in euro of property that has been frozen, seized or confiscated; 1. 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).	the follow-up given to those reports, the information on cross-border physical transfers of cash ~~submitted to~~<u>accessed by</u> the FIU in accordance with Article 9 of Regulation (EU) 2018/1672 together with the follow-up given to the information submitted and, on an annual basis, the number of cases investigated, the number of persons prosecuted, the number of persons convicted for money laundering or terrorist financing offences, the types of predicate offences identified in accordance with Article 2 of Directive (EU) 2018/1673 of the European Parliament and of the Council¹ where such information is available, and the value in euro of property that has been frozen, seized or confiscated; 1. 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).	<u>and the value of such transactions,</u> the follow-up given to those reports, the information on cross-border physical transfers of cash submitted to the FIU in accordance with Article 9 of Regulation (EU) 2018/1672 together with the follow-up given to the information submitted and, on an annual basis, the number of cases investigated, the number of persons prosecuted, the number of persons convicted for money laundering or terrorist financing offences, the types of predicate offences identified in accordance with Article 2 of Directive (EU) 2018/1673 of the European Parliament and of the Council¹ where such information is available, and the value in euro of property that has been frozen, seized or confiscated; 1. 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).	<u>[and the value of such transactions,]</u> the follow-up given to those reports, the information on cross-border physical transfers of cash ~~submitted to~~<u>accessed by</u> the FIU in accordance with Article 9 of Regulation (EU) 2018/1672 together with the follow-up given to the information submitted and, on an annual basis, the number of cases investigated, the number of persons prosecuted, the number of persons convicted for money laundering or terrorist financing offences, the types of predicate offences identified in accordance with Article 2 of Directive (EU) 2018/1673 of the European Parliament and of the Council¹ where such information is available, and the value in euro of property that has been frozen, seized or confiscated; 1. 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). CONS to check if data is available with FIUs Text Origin: Council Mandate TM2 01062023
Article 9(2), point (c)				
193	(c) if available, data identifying the	(c) if available, data identifying the	(c) ~~if available, data identifying~~ <u>data</u>	(c) ~~if available, data identifying~~ <u>the</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	number and percentage of reports resulting in further investigation, together with the annual report drawn up by FIUs pursuant to Article 21;	number and percentage of reports resulting in further investigation, together with the annual report drawn up by FIUs pursuant to Article 21;	<u>identifying the number of suspicious transaction reports disseminated by the FIU to competent authorities,</u> the number and percentage of reports resulting in further investigation, together with the annual report drawn up by FIUs pursuant to Article 21;	<u>number and percentage of reports resulting in dissemination to other competent authorities and [, if available,]</u> the number and percentage of reports resulting in further investigation, together with the annual report drawn up by FIUs pursuant to Article 21; Text Origin: Commission Proposal TM2 01062023

Article 9(2), point (d)

194	(d) data regarding the number of cross-border requests for information that were made, received, refused and partially or fully answered by the FIU, broken down by counterpart country;	(d) data regarding the number of cross-border requests for information that were made, received, refused and partially or fully answered by the FIU, broken down by counterpart country;	(d) data regarding the number of cross-border requests for information that were made, received, refused and partially or fully answered by the FIU, broken down by counterpart country;	(d) data regarding the number of cross-border requests for information that were made, received, refused and partially or fully answered by the FIU, broken down by counterpart country; Text Origin: Commission Proposal

Article 9(2), point (e)

195	(e) the number of mutual legal assistance or other international requests for information relating to beneficial ownership and bank account information as referred to in Chapter IV of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and Sections 1	(e) the number of mutual legal assistance or other international requests for information relating to beneficial ownership and bank account information as referred to in Chapter IV of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~please insert~~	(e) the number of mutual legal assistance or other international requests for information relating to beneficial ownership and bank account information as referred to in Chapter IV of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and Sections 1	(e) the number of mutual legal assistance or other international requests for information relating to beneficial ownership and bank account information as referred to in Chapter IV of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and Sections 1

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	and 2 of Chapter II of this Directive received from or made to counterparts outside the Union, broken down by competent authority and counterpart country;	~~reference—proposal for Anti-Money Laundering Regulation—COM/2021/420 final~~ and Sections 1 and 2 of Chapter II of this Directive received from or made to counterparts outside the Union, broken down by competent authority and counterpart country;	and 2 of Chapter II of this Directive received from or made to counterparts outside the Union, broken down by competent authority and counterpart country;	and 2 of Chapter II of this Directive received from or made to counterparts outside the Union, broken down by competent authority and counterpart country; Text Origin: Commission Proposal
Article 9(2), point (f)				
196	(f) human resources allocated to supervisors as well as human resources allocated to the FIU to fulfil the tasks specified in Article 17;	(f) human resources allocated to supervisors as well as human resources allocated to the FIU to fulfil the tasks specified in Article 17;	(f) human resources allocated to supervisors as well as human resources allocated to the FIU to fulfil the tasks specified in Article 17;	(f) human resources allocated to supervisors as well as human resources allocated to the FIU to fulfil the tasks specified in Article 17; Text Origin: Commission Proposal
Article 9(2), point (g)				
197	(g) the number of on-site and off-site supervisory actions, the number of breaches identified on the basis of supervisory actions and sanctions or administrative measures applied by supervisory authorities and self-regulatory bodies pursuant to Section 4 of Chapter IV;	(g) the number of on-site and off-site supervisory actions, the number of breaches identified on the basis of supervisory actions and sanctions or administrative measures applied by supervisory authorities and self-regulatory bodies pursuant to Section 4 of Chapter IV;	(g) the number of on-site and off-site supervisory actions, the number of breaches identified on the basis of supervisory actions and sanctions or administrative measures applied by supervisory authorities and self-regulatory bodies pursuant to Section 4 of Chapter IV;	(g) the number of on-site and off-site supervisory actions, the number of breaches identified on the basis of supervisory actions and sanctions or administrative measures applied by supervisory authorities and self-regulatory bodies pursuant to Section 4 of Chapter IV; Text Origin: Commission Proposal
Article 9(2), point (h)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
198	(h) the number and type of breaches identified in relation to the obligations of Chapter IV of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and sanctions or administrative measures applied in relation to those breaches, as well as the number of inspections carried out by the entity in charge of the central register pursuant to Article 10(8) of this Directive.	(h) the number and type of breaches identified in relation to the obligations of Chapter IV of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ and sanctions or administrative measures applied in relation to those breaches, as well as the number of inspections carried out by the entity in charge of the central register pursuant to Article 10(8) of this Directive.	(h) the number and type of breaches identified in relation to the obligations of Chapter IV of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and sanctions or administrative measures applied in relation to those breaches, as well as the number of inspections carried out by the entity in charge of the central register pursuant to Article 10(8) of this Directive.	(h) the number and type of breaches identified in relation to the obligations of Chapter IV of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and sanctions or administrative measures applied in relation to those breaches, as well as the number of inspections carried out by the entity in charge of the central register pursuant to Article 10(8) of this Directive. Text Origin: Commission Proposal
Article 9(2), point (ha)				
198a			<u>(ha) the number of discrepancies reported to the central register referred to in Article 10, including measures or sanctions imposed by the entity in charge of the central register, the number of on-site and off-site inspections, types of typical discrepancies and patterns identified in the verification process by the entity in charge of the central register</u>	<u>(ha) [placeholder]</u> to be discussed together with art 10 and 12 TM2 01062023
Article 9(2), point (hb)				
198b			<u>(hb) the following information</u>	<u>(hb) [placeholder]</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>regarding the implementation of Article 12:</u> <u>(i) the number of requests to access beneficial ownership on the basis of the categories laid down in Article 12(2)</u> <u>(ii) the percentage of requests for access to information which is refused under each category laid down in Article 12(2a)</u> <u>(iii) a summary of the categories of persons granted access to beneficial ownership information under Article 12(2a), second subparagraph ;</u>	to be discussed together with art 10 and 12 TM2 01062023
Article 9(2), point (hc)				
198c			<u>(hc) the information referred to in Article 19(3) of Directive (EU) 2019/1153.</u>	<u>(hc) the number of searches of bank account registers or data retrieval mechanisms made by competent authorities, broken down by category of competent authority, and the number of searches of the interconnection of bank account registers made by FIUs;</u> Addition based on COM draft proposal from 6/7/2023 and 16/07/2023 CONS to revert TM5 17072023 TM17 17102023
Article 9(3), first subparagraph				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
199	3. Member States shall ensure that the statistics referred to in paragraph 2 are collected and transmitted to the Commission on an annual basis. The statistics referred to in paragraph 2, points (a), (c), (d) and (f), shall also be transmitted to AMLA.	3. Member States shall ensure that the statistics referred to in paragraph 2 are collected and transmitted to the Commission on an annual basis. The statistics referred to in paragraph 2, points (a), (c), (d) and (f), shall also be transmitted to AMLA.	3. Member States shall ensure that the statistics referred to in paragraph 2 are collected and transmitted to the Commission on an annual basis. The statistics referred to in paragraph 2, ~~points (a), (c), (d) and (f)~~ , shall also be transmitted to AMLA.	Revert in context of data base discussions / Tasks of AMLA EC to provide a non-paper implication of epln TM3 14062023
Article 9(3), second subparagraph				
200	AMLA shall store those statistics in its database in accordance with Article 11 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].	AMLA shall store those statistics in its database in accordance with Article 11 of Regulation <u>[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]</u> ~~[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]~~ .	AMLA shall store those statistics in its database in accordance with Article 11 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].	AMLA shall store those statistics in its database in accordance with Article 11 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]. Text Origin: Commission Proposal
Article 9(4)				
201	4. By [3 years after the date of transposition of this Directive], AMLA shall adopt an opinion addressed to the Commission on the methodology for the collection of the statistics referred to in paragraph 2, points (a), (c), (d) and (f).	4. By <u>[3 years after the date of transposition of this Directive]</u> ~~[3 years after the date of transposition of this Directive]~~ , AMLA shall adopt an opinion addressed to the Commission on the methodology for the collection of the statistics referred to in paragraph 2, points (a), (c), (d) and (f).	4. By [~~3~~ <u>two</u>] years after the date of ~~transposition~~ <u>entry into force</u> of this Directive], AMLA shall adopt an opinion addressed to the Commission on the methodology for the collection of the statistics referred to in paragraph 2, points (a), (c), (d) and (f).	4. By [~~3~~ <u>two</u>] years after the date of transposition of this Directive], AMLA shall adopt an opinion addressed to the Commission on the methodology for the collection of the statistics referred to in paragraph 2, points (a), (c), (d), <u>(f) and (g)</u> ~~and (f)~~ .

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				based on EC redrafting proposal - in line with line 434a Text Origin: EP Mandate TM3 14062023 TM9 of 06092023
Article 9(5)				
202	5. The Commission is empowered to adopt implementing acts laying down the methodology for the collection of the statistics referred to in paragraph 2 and the arrangements for their transmission to the Commission and AMLA. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).	5. The Commission is empowered to adopt implementing acts laying down the methodology for the collection of the statistics referred to in paragraph 2 and the arrangements for their transmission to the Commission and AMLA. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).	5. <u>By ... [two years and six months after the date of entry into force of this Directive],</u> the Commission ~~is empowered to adopt~~ <u>shall adopt, by means of</u> implementing acts ~~laying down,~~ the methodology for the collection of the statistics referred to in paragraph 2 and the arrangements for their transmission to the Commission and AMLA. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).	5. The Commission is empowered to adopt implementing acts laying down the methodology for the collection of the statistics referred to in paragraph 2 and the arrangements for their transmission to the Commission and AMLA. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2). revert to in AMLA discussion in terms of consistency AMLA related Text Origin: Commission Proposal TM3 14062023
Article 9(6)				
203	6. The Commission shall publish a biennial report summarising and explaining the statistics referred to in paragraph 2, which shall be made	6. The Commission shall publish a biennial report summarising and explaining the statistics referred to in paragraph 2, which shall be made	6. <u>By ... [one year after the date of entry into force of this Directive],</u> the Commission shall publish a <u>first report based on statistics provided</u>	6. <u>By... [three years after the date of transposition of this directive] and every two years thereafter,</u> the Commission shall publish a ~~biennial~~

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	available on its website.	available on its website.	<u>by Member States pursuant to Article 44 of Directive (EU) 2015/849. By ... [three years after the date of entry into force of this Directive], the Commission shall publish a report summarising and explaining the statistics referred to in paragraph 2 of this Article, based on the data collected in accordance with this Article. Thereafter, Commission shall publish a</u> biennial report summarising and explaining the statistics referred to in paragraph 2, which shall be made <u>publicly</u> available on its website. <u>Those reports shall be submitted to the European Parliament and to the Council.</u>	report summarising and explaining the statistics referred to in paragraph 2, ~~which shall be made~~ <u>and make it</u> available on its website. Text Origin: Commission Proposal TM3 14062023
CHAPTER II				
204	CHAPTER II REGISTERS	CHAPTER II REGISTERS	CHAPTER II REGISTERS	CHAPTER II REGISTERS Text Origin: Commission Proposal
Section I				
205	Section I Beneficial ownership registers	Section I Beneficial ownership registers	Section I Beneficial ownership registers	Section I Beneficial ownership registers Text Origin: Commission Proposal
Article 10				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
206	Article 10 Beneficial ownership registers	Article 10 Beneficial ownership registers	Article 10 Beneficial ownership registers	Article 10 Beneficial ownership registers Text Origin: Commission Proposal
Article 10(1), first subparagraph				
207	1. Member States shall ensure that beneficial ownership information referred to in Article 44 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and information on nominee arrangements referred to in Article 47 of that Regulation is held in a central register in the Member State where the legal entity is incorporated or where the trustee or person holding an equivalent position in a similar legal arrangement is established or resides. Such requirement shall not apply to companies listed on a regulated market that are subject to disclosure requirements equivalent to the requirements laid down in this Directive or subject to equivalent international standards.	1. Member States shall ensure that beneficial ownership information referred to in Article 44 of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], the statement pursuant to Article 45(3) of that Regulation</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation – COM/2021/420 final]~~ and information on nominee arrangements referred to in Article 47 of that Regulation is held in a central register in the Member State where the legal entity is incorporated or where the trustee or person holding an equivalent position in a similar legal arrangement is established or resides. Such requirement shall not apply to ~~companies listed on a regulated market that are subject to disclosure requirements equivalent to the requirements laid down in this Directive or subject to equivalent international standards~~ <u>entities</u>	1. Member States shall ensure that beneficial ownership information referred to in Article 44 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and information on nominee arrangements referred to in Article 47 of that Regulation is held in a central register in the Member State where the legal entity is incorporated or where the trustee or person holding an equivalent position in a similar legal arrangement is established or resides. Such requirement shall not apply to companies listed on a regulated market that are subject to disclosure requirements equivalent to the requirements laid down in this Directive or subject to equivalent international standards.	horizontal topic - linked to AMLR - revert to later EC to propose drafting suggestions regarding new FATF-information including the following lines 207 - 207d AMLR related CONS to revert TM3 14062023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>pursuant to Article 43c of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final].</u>		
Article 10(1a)				
207a			<u>Member States shall also ensure that beneficial ownership information of legal entities incorporated outside the Union or of express trusts or similar legal arrangements administered outside the Union are held in the central register under the conditions laid down in Article 48 of Regulation ... [please insert reference to Anti-money Laundering Regulation - 2021/0239(COD)].</u>	<u>1a. [-]</u> To be discussed in context with lines 207c, d Link to 48 to be discussed in context with AMLR AMLR related CONS to revert
Article 10(1), first subparagraph a				
207b		<u>Where the trustees of an express trust or persons holding equivalent positions in a similar legal arrangement are established or reside in different Member States a certificate of proof of registration or an excerpt of the beneficial ownership information held in a register by one Member State shall be considered as sufficient to consider the registration obligation fulfilled.</u>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 10(1), first subparagraph b				
207c		<u>1a. Where the place of incorporation of the legal entity or place of establishment or residence of the trustee of the express trust or person holding an equivalent position in similar legal arrangement is outside the Union, the information referred to in paragraph 1 shall be held in a central register set up by the Member State where the legal entity, the trustee of the express trust or person holding an equivalent position in a similar legal arrangement acting in the name of the express trust or similar legal arrangement, acquires real estate, is awarded a public procurement for goods, services or concessions or enters into a business relationship pursuant to Article 48(1), point (d) of Regulation.</u>		
Article 10(1), first subparagraph c				
207d		<u>Where the legal entity pursuant to first sub-paragraph, the trustee of the express trust pursuant to first sub-paragraph or the person holding an equivalent position in a similar legal arrangement, acting in</u>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>the name of the express trust or similar legal arrangement, acquires real estate, is awarded a public procurement for goods, services or concessions or enters into multiple business relationships pursuant to Article 48(1), point (d) of Regulation in different Member States, a certificate of proof of registration of the beneficial ownership information in a central register held by one Member State shall be considered as sufficient to consider the registration obligation fulfilled.</u>		
Article 10(1), second subparagraph				
208	The beneficial ownership information contained in the central registers may be collected in accordance with national systems.	<u>1b.</u> The beneficial ownership information contained in the central registers may be collected in accordance with national systems.	The beneficial ownership information contained in the central registers ~~may~~ <u>shall be available in machine-readable format and</u> be collected in accordance with ~~national systems~~ <u>the implementing acts referred to in paragraph 4. Each Member State shall ensure that such beneficial ownership information is made available in the official language or languages of that Member State and in English.</u>	revert to after discussions on article 12 CONS to reflect on EP-proposal on machine-readable format TM3 14062023
Article 10(1b)				
208a			<u>Member States shall ensure that the</u>	<u>1b. Member States shall ensure</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>information on the current beneficial and the information on the past beneficial owners is available in the central registers for the period set out in paragraph 12.</u>	<u>that the information contained in the registers includes any change to the beneficial ownership of legal persons and legal arrangements and to nominee arrangements following their first recording in the register.</u> Addition based on COM draft proposal from 6/7/2023 - as Paragraph 11a Implement structural change TM3 14062023 TM5 17072023 TM16 17102023
Article 10(2)				
209	2. Where there are reasons to doubt the accuracy of the beneficial ownership information held by the central registers, Member States shall ensure that legal entities and legal arrangements are required to provide additional information on a risk-sensitive basis, including resolutions of the board of directors and minutes of their meetings, partnership agreements, trust deeds, power of attorney or other contractual agreements and documentation.	2. ~~Where there are reasons to doubt the accuracy of the beneficial ownership information held by the central registers, Member States shall ensure that legal entities and~~ <u>Member States shall ensure that legal entities and trustees of express trusts and persons holding an equivalent position in a similar</u> legal ~~arrangements~~ <u>arrangement</u> are required to provide ~~additional information on a risk-sensitive basis, including resolutions to the entity or~~ <u>entities in charge</u> of the ~~board of directors and minutes of their meetings, partnership agreements, trust deeds, power of attorney or other contractual agreements and~~	2. Where there are reasons to doubt the accuracy of the beneficial ownership information held by the central registers, Member States shall ensure that <u>the entities in charge of the central registers are empowered to request from corporate and</u> legal entities, <u>trustees of any express trust and persons holding an equivalent position in a similar</u> ~~and~~ legal ~~arrangements are required to provide additional~~ <u>arrangement, and their legal and beneficial owners, any information on a risk-sensitive basis and documents necessary to identify and verify their beneficial owners</u> , including <u>proofs of</u>	2. <u>[Where there are reasons to doubt the accuracy of the beneficial ownership information held by the central registers], Member States shall ensure that the entities in charge of the central registers are empowered to request from corporate and</u> legal entities, <u>trustees of any express trust and persons holding an equivalent position in a similar</u> ~~and~~ legal ~~arrangements are required to provide additional~~ <u>arrangement, [and their legal and beneficial owners,] any information on a risk-sensitive basis and documents necessary to identify and verify their beneficial owners</u> , including resolutions of the

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		~~documentation~~ <u>central registers all beneficial ownership information referred to in Article 44 of Regulation, the statement pursuant to Article 45(3) of Regulation and information on nominee arrangements pursuant to Article 47 of Regulation.</u>	<u>existence and ownership,</u> resolutions of the board of directors and minutes of their meetings, partnership agreements, trust deeds, power of attorney or other contractual agreements and documentation.	board of directors and minutes of their meetings, partnership agreements, trust deeds, power of attorney or other contractual agreements and documentation. CONS to revert EP to revert Text Origin: EP Mandate TM3 14062023 TM17 17102023
Article 10(2a)				
209a		<u>2a. Member States shall ensure the entity or entities in charge of the central registers are empowered to request information and documents necessary to identify all beneficial owners and to support and verify information pursuant to the first paragraph, including resolutions of the board of directors and minutes of their meetings, partnership agreements, trust deeds, power of attorney or other contractual agreements and documentation.</u>		
Article 10(3)				
210	3. Where no person is identified as beneficial owner pursuant to Article 45(2) and (3) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], the central	3. Where no person is identified as beneficial owner pursuant to Article 45(2) and (3) of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert~~	3. Where no person is identified as beneficial owner pursuant to Article 45(2) and (3) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], the central	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 185/591

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	register shall include:	~~reference—proposal for Anti-Money Laundering Regulation—COM/2021/420 final~~ , the central register shall include:	register shall include:	
Article 10(3), point (a)				
211	(a) a statement accompanied by a justification, that there is no beneficial owner or that the beneficial owner(s) could not be identified and verified;	(a) a statement ~~accompanied by a justification, that there is no beneficial owner or that the beneficial owner(s) could not be identified and verified~~ <u>and justification pursuant to Article 45(3), point (a), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ;	(a) a statement <u>by the corporate entity, legal entity or legal arrangement</u> accompanied by a <u>legitimate</u> justification <u>and supporting documents</u> , that there is no beneficial owner or that the beneficial owner(s) could not be identified and verified <u>pursuant to Articles 42 and 43 of Regulation ... [insert reference to AML Regulation - 2021/0239(COD)]</u> , and <u>the rules according to which profit or shares are allocated within the corporate or legal entity</u> ;	
Article 10(3), point (aa)				
211a			<u>(aa) Member States shall ensure that the information referred to in the first subparagraph, point (a), is available to FIUs, AMLA, competent authorities, self-regulatory bodies and obliged entities.</u>	
Article 10(3), point (b)				
212				

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	(b) the details of the natural person(s) who hold the position of senior managing official(s) in the corporate or legal entity equivalent to the information required under Article 44(1), point (a), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final].	(b) the details of the natural person(s) who hold the position of senior managing official(s) <u>pursuant Article 45(2), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> in the corporate or <u>other</u> legal entity equivalent to the information required under Article 44(1), point (a), of ~~Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final].~~ <u>that</u> Regulation – ~~COM/2021/420 final].~~	(b) the details of the natural person(s) who hold the position of senior managing official(s) in the corporate or legal entity equivalent to the information required under Article 44(1), point (a), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final].	
Article 10(4)				
213	4. The Commission is empowered to adopt, by means of implementing acts, the format for the submission of beneficial ownership information to the central register. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).	4. ~~The Commission is empowered to adopt, by means of implementing acts, the format for the submission of beneficial ownership information to the central register. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).~~ Deleted	4. <u>By ... [one year after the date of entry into force of this Directive] the Commission shall</u> ~~The Commission is empowered to~~ adopt, by means of implementing acts, the format for the submission of beneficial ownership information <u>as referred to in article 44 of Regulation ... [please insert reference to the Anti-Money Laundering Regulation - 2021/0239(COD)]</u> to the central register, <u>including a checklist of minimum requirements for information to be examined by the registrant</u> . Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).	

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Article 10(5)				
214	5. Member States shall require that the beneficial ownership information held in the central registers is adequate, accurate and up-to-date. For that purpose, Member State shall apply at least the following requirements:	5. Member States shall require that the beneficial ownership information held in the central registers is adequate, accurate and up-to-date. For that purpose, Member State shall ~~apply at least the following requirements:~~ <u>provide for rules for the effective resolution of discrepancies in the information held in the register.</u>	5. Member States shall ~~require~~ <u>take the necessary measures to ensure</u> that the beneficial ownership information held in the central registers is adequate, accurate and up-to-date, <u>and shall put in place mechanisms to that effect.</u> For that purpose, Member ~~State~~ <u>States</u> shall apply at least the following requirements:	
Article 10(5), point (-a)				
214a			<u>(-a) entities in charge of the central registers shall verify, at the time beneficial ownership information is submitted and on a regular basis thereafter, that such information is adequate, accurate and up to date.</u>	
Article 10(5), point (a)				
215	(a) obliged entities shall report to the entity in charge of the central registers any discrepancies they find between the beneficial ownership information available in the central registers and the beneficial ownership information available to them pursuant to Article 18 of Regulation [please insert reference –	(a) ~~obliged entities shall report to the entity in charge of the central registers any discrepancies they find between the beneficial ownership information available in the central registers and the beneficial ownership information available to them pursuant to Article 18 of Regulation [please insert reference –~~	(a) obliged entities shall report to the entity in charge of the central registers any discrepancies they find between the beneficial ownership information available in the central registers and the beneficial ownership information available to them pursuant to Article 18 of Regulation [please insert reference –	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	proposal for Anti-Money Laundering Regulation].	~~proposal for Anti-Money Laundering Regulation]. Deleted~~	proposal for Anti-Money Laundering Regulation], <u>and shall transmit to the central register the relevant beneficial ownership information they have gathered.</u>	
Article 10(5), point (b)				
216	(b) competent authorities, if appropriate and to the extent that this requirement does not interfere unnecessarily with their functions, shall report to the entity in charge of the central registers any discrepancies they find between beneficial ownership information available in the central registers and the beneficial ownership information available to them.	(b) <u>Member State shall require</u> competent authorities, if appropriate and to the extent that this requirement does not interfere unnecessarily with their functions, shall report to the entity in charge of the central registers any discrepancies they find between ~~beneficial ownership~~ information available in the central registers and the ~~beneficial ownership~~ information available to them.	(b) competent authorities, ~~if appropriate and to the extent that this requirement does not interfere unnecessarily with their functions,~~ shall report to the entity in charge of the central registers any discrepancies they find between beneficial ownership information available in the central registers and the beneficial ownership information available to them.	
Article 10(5), point (ba)				
216a			<u>(ba) Member States shall ensure that the entities in charge of the central registers verify whether beneficial ownership information held in the registers concerns persons or entities designated in relation to targeted financial sanctions. Such verification shall take place immediately upon the designation in relation to targeted financial sanctions and at regular intervals. The entities in charge of</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>the beneficial ownership registers shall include specific mentions in the registers with regard to information on a corporate entity, legal entity or legal arrangement where:</u> <u>(a) a corporate entity, legal entity or legal arrangement included in a register is subject to targeted financial sanctions;</u> <u>(b) a corporate entity, legal entity or legal arrangement included in a register is controlled by a person subject to targeted financial sanctions;</u> <u>(c) a beneficial owner of a corporate entity, legal entity or legal arrangement is subject to targeted financial sanctions;</u> <u>The specific mention referred to in the first subparagraph of this paragraph shall remain available to any person or entity granted access under Articles 11 and 12 in the central register until the concerned targeted financial sanctions are removed.</u>	
Article 10(5), point (bb)				
216b			<u>(bb) By ... [four years after the date of entry into force of this Directive]</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>AMLA shall issue guidelines on the methods and procedures to be employed by entities in charge of central registers to verify beneficial ownership information and by obliged entities and competent authorities to identify and report discrepancies regarding beneficial ownership information.</u>	
Article 10(6)				
217	6. Member States shall require that the reporting of discrepancies referred to in paragraph 5 takes place within 14 calendar days after detecting the discrepancy. In cases of lower risk to which measures under Section 3 of Chapter III of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] apply, Member States may allow obliged entities to request the customer to rectify discrepancies of a technical nature that do not hinder the identification of the beneficial owner(s) directly with the entity in charge of the central registers.	~~6. Member States shall require that the reporting of discrepancies referred to in paragraph 5 takes place within 14 calendar days after detecting the discrepancy. In cases of lower risk to which measures under Section 3 of Chapter III of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] apply, Member States may allow obliged entities to request the customer to rectify discrepancies of a technical nature that do not hinder the identification of the beneficial owner(s) directly with the entity in charge of the central registers.~~ Deleted	6. Member States shall require that the reporting of discrepancies referred to in paragraph 5 takes place within 14 calendar days after detecting the discrepancy. In cases of lower risk to which measures under Section 3 of Chapter III of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] apply, Member States may allow obliged entities to request the customer to rectify discrepancies of a technical nature that do not hinder the identification of the beneficial owner(s) directly with the entity in charge of the central registers.	
Article 10(7)				
218	7. Member States shall ensure that the entity in charge of the central registers takes appropriate actions to	7. Member States shall ensure that the entity <u>or entities</u> in charge of the central registers takes appropriate	7. Member States shall ensure that the entity in charge of the central registers takes <u>within 30 working</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	cease the discrepancies, including amending the information included in the central registers where the entity is able to identify and verify the beneficial ownership information. A specific mention of the fact that there are discrepancies reported shall be included in the central registers and visible at least to competent authorities and obliged entities.	actions to cease the discrepancies <u>reported by competent authorities or pursuant to Article 16a of the Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] by obliged entities</u> , including amending the information included in the central registers where the entity is able to identify and verify the beneficial ownership information. A specific mention of the fact that there are discrepancies reported shall be included in the central registers and visible at least to competent authorities and obliged entities.	<u>days after the reporting of a discrepancy</u> , appropriate actions to cease the discrepancies <u>and ensure up-to-date information</u> , including amending the information included in the central registers where the entity is able to identify and verify the beneficial ownership information. A specific mention of the fact that there are discrepancies reported shall be included in the central registers <u>until the discrepancy is resolved and be</u> ~~and visible at least to competent authorities and obliged entities to~~ <u>any person or entity granted access under Articles 11 and 12</u>	
Article 10(8)				
219	8. In the case of corporate and other legal entities, Member States shall ensure that the entity in charge of the central beneficial ownership register is empowered to carry out checks, including on-site investigations at the premises or registered office of the legal entity, in order to establish the current beneficial ownership of the entity and to verify that the information submitted to the central register is accurate, adequate and up-to-date. The right of the central register to verify such information shall not be restricted, obstructed or precluded in any manner.	8. ~~In the case of corporate and other legal entities,~~ Member States shall ensure that ~~the entity in charge of the central beneficial ownership register is~~ <u>there is an entity or entities</u> empowered to carry out checks, ~~including on-site investigations at the premises or registered office of the legal entity,~~ <u>on information in central register</u> in order to establish the current beneficial ownership of the entity and to verify that the information submitted to the central register is accurate, adequate and up-to-date. <u>Member States may for this purpose</u>	8. In the case of corporate and other legal entities, <u>and legal arrangements where the trustee is an obliged entity as listed in Article 3, point (3)(a), (b) or (c) of Regulation [please insert reference to - proposal for Anti-Money Laundering Regulation - 2021/0239(COD)]</u> , Member States shall ensure that the entity in charge of the central beneficial ownership register is empowered to carry out checks, including on-site investigations at the premises or registered office of the legal entity, <u>at the premises of relevant obliged</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>empower the entity or entities carrying out the checks to carry out on-site investigations at the premises or registered office</u>~~The right~~ of the ~~central register~~ <u>legal entity</u>. <u>The power</u> to verify such information <u>and documents in the central register and, if applicable, to carry out on-site investigations</u> shall not be restricted, obstructed or precluded ~~in any manner~~.	<u>entities as listed in Article 3, point (3)(a), (b) or (c), of Regulation ... [please insert reference to nti-Money Laundering Regulation - 2021/0239(COD)] in accordance with national law and at the premises of the legal entities'</u> <u>representatives in the Union</u>, in order to establish the current beneficial ownership of the entity and to verify that the information submitted to the central register is accurate, adequate and up-to-date. The right of the central register to verify such information shall not be restricted, obstructed or precluded in any manner, <u>and the central register shall be empowered to request information from other registers, including in other Member States and third countries, in particular through the establishment of cooperation agreements</u>.	
Article 10(8a)				
219a			<u>8a. Member States shall ensure that entities in charge of central registers have at their disposal necessary automated technology to carry out verifications as referred to in paragraphs 5 and 5a. Those verifications shall include, in particular, cross-checking beneficial ownership information with other public and private</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>databases to which they have access under national law for the prevention, detection or investigation of money laundering or terrorist financing, checking supporting documents referred to in paragraph 3, detecting errors and inconsistencies, identifying patterns associated with legal entities being used for illicit purposes and carrying out occasional sample testing using a risk based approach. Those verifications shall be carried out in a way that safeguards fundamental rights, includes human oversight and avoids discriminatory outcomes.</u>	
Article 10(8b)				
219b			<u>8b. Member States shall ensure that where a verification as referred to in paragraph 5 or 5a is carried out at the time of submission of beneficial ownership information, and it leads an entity in charge of a central register to conclude that there are inconsistencies or errors in the beneficial ownership information or that the beneficial ownership information otherwise does not fulfil the requirements laid down in paragraph 5, that entity in charge of a central register is able to withhold and suspend the certification of registration until the</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>beneficial owner information provided is in order.</u>	
Article 10(8c)				
219c			<u>8c. Member States shall ensure that where a verification as referred to in paragraph 5 or 5a is carried out after the submission of beneficial ownership information, and it leads an entity in charge of a central register to conclude that there are inconsistencies or errors in the beneficial ownership information or that the beneficial ownership information otherwise does not fulfil the requirements laid down in paragraph 5, national competent authorities ensure that the legal consequence attached to the registration does not follow until the beneficial owner information provided is in order.</u>	
Article 10(9)				
220	9. Member States shall ensure that the entity in charge of the central register is empowered to impose effective, proportionate and dissuasive measures or sanctions for failures to provide the register with accurate, adequate and up-to-date information about their beneficial ownership.	9. Member States shall ensure that ~~the entity in charge of the central register is~~ <u>there is an entity or entities</u> empowered to impose effective, proportionate and dissuasive measures or sanctions for failures to provide the register with accurate, adequate and up-to-date information about their beneficial	9. Member States shall ensure that the entity in charge of the central register is empowered to impose effective, proportionate and dissuasive measures or sanctions for failures to provide the register with accurate, adequate and up-to-date information about their beneficial ownership. <u>Sanctions shall include</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		ownership.	<u>monetary penalties. Member States shall ensure that in the event of repeated failure to provide up-to-date, accurate and adequate information, national authorities ensure that appropriate sanctions follow. In the event of repeated failures to provide up-to-date, accurate and adequate information, sanctions shall be increased to the level necessary to ensure compliance. In such event, the entity in charge of the central register shall notify the national authorities competent for imposing appropriate sanctions about the repeated failures.</u>	
Article 10(9a)				
220a			<u>9a. By ... [two years after entry into force of this Directive], AMLA shall develop draft regulatory technical standards setting out indicators to classify the level of gravity of breaches and criteria for such repeated failures and submit them to the Commission for adoption. The Commission is empowered to supplement this Directive by adopting those regulatory standards in accordance with Articles 38 to 41 of Regulation ... [please insert reference to the AMLA Regulation - 2021/0240(COD)].</u>	

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Article 10(10)				
221	10. Member States shall ensure that if, in the course of the checks carried out pursuant to this Article, or in any other way, the entities in charge of the beneficial ownership registers discover facts that could be related to money laundering or to terrorist financing, they shall promptly inform the FIU.	10. Member States shall ensure that if, in the course of the checks carried out pursuant to this Article, or in any other way, the entities ~~in charge of the beneficial ownership registers~~ <u>referred to in paragraph 8</u> discover facts that could be related to money laundering or to terrorist financing, they shall promptly inform the FIU.	10. Member States shall ensure that if, in the course of the checks carried out pursuant to this Article, or in any other way, the entities in charge of the beneficial ownership registers discover facts that could be related to money laundering or to terrorist financing, they shall ~~promptly~~ inform the <u>competent FIU within 48 hours of discovering such facts</u> ~~FIU~~ .	
Article 10(10a)				
221a			<u>10a. Member States shall ensure that entities in charge of central registers are operationally independent and autonomous and have the authority and capacity to carry out their functions free of political, government or industry influence or interference and that staff of such entities are of high integrity and appropriately skilled and maintain high professional standards, including standards of confidentiality and data protection and standards addressing conflicts of interest.</u>	
Article 10(10b)				
221b				

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			<u>10b. Member States shall ensure that entities in charge of central registers have in place policies and procedures to ensure that their employees or managers who report breaches of the requirements set out in this Article are legally protected in accordance with Directive (EU) 2019/1937 from being exposed to threats, retaliatory or hostile action and, in particular, adverse or discriminatory employment action.</u>	
Article 10(11)				
222	11. The central registers shall be interconnected via the European Central Platform established by Article 22(1) of Directive (EU) 2017/1132.	11. The central registers shall be interconnected via the European Central Platform established by Article 22(1) of Directive (EU) 2017/1132.	11. The central registers shall be interconnected via the European Central Platform established by Article 22(1) of Directive (EU) 2017/1132.	11. The central registers shall be interconnected via the European Central Platform established by Article 22(1) of Directive (EU) 2017/1132. Text Origin: Commission Proposal
Article 10(12)				
223	12. The information referred to in paragraph 1 shall be available through the national registers and through the system of interconnection of central beneficial ownership registers for at least five years and no more than 10 years after the corporate or other legal	12. The information referred to in paragraph 1 shall be available through the national registers and through the system of interconnection of central beneficial ownership registers for at least five years and no more than 10 years after the ~~corporate or other~~ grounds	12. The information referred to in paragraph 1 shall be available through the national registers and through the system of interconnection of central beneficial ownership registers for at least five years and no more than 10 years after the corporate or other legal	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	entity has been struck off from the register.	<u>for registering the beneficial ownership information have ceased to exist and in any case after the legal entity has been struck off from the register or after the cessation of the legal arrangement.</u>	entity has been struck off from the register. <u>Member States may, without prejudice to national criminal law on evidence applicable to ongoing criminal investigations and legal proceedings, allow or require the retention of such information or documents in concrete cases for a further maximum period of five years where the necessity and proportionality of such further retention have been established by the authorities competent for the prevention, detection, investigation or prosecution of suspected money laundering or terrorist financing in accordance with applicable rules.</u>	
Article 10(12a)				
223a			<u>12a. AMLA shall periodically conduct peer reviews of some or all of the activities of entities in charge of central beneficial ownership registers for the purposes of assessing whether such entities have in place mechanisms to fulfil the requirements set out in this Article and whether such entities carry out checks effectively in order to establish that beneficial ownership information held in the registers is accurate, adequate and up to date</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 11				
224	Article 11 General rules regarding access to beneficial ownership registers by competent authorities, self-regulatory bodies and obliged entities	Article 11 General rules regarding access to beneficial ownership registers by competent authorities, self-regulatory bodies and obliged entities	Article 11 General rules regarding access to beneficial ownership registers by competent authorities, self-regulatory bodies ~~and~~ , obliged entities <u>and AMLA</u>	
Article 11(1)				
225	1. Member States shall ensure that competent authorities have timely, unrestricted and free access to the information held in the interconnected central registers referred to in Article 10, without alerting the entity or arrangement concerned.	1. Member States shall ensure that competent authorities have timely, unrestricted and free access to the information held in the interconnected central registers referred to in Article 10, without alerting the entity or arrangement concerned.	1. Member States shall ensure that competent authorities have timely, unrestricted and free access to the information held in the ~~interconnected~~ central registers referred to in Article 10, <u>including the interconnected central registers</u> , without alerting the entity or arrangement concerned.	
Article 11(2)				
226	2. Access to the central registers referred to in Article 10 shall be granted to FIUs, supervisory authorities, public authorities with designated responsibilities for combating money laundering or terrorist financing, as well as tax authorities and authorities that have the function of investigating or prosecuting money laundering, its predicate offences and terrorist financing, tracing and seizing or	2. Access to the <u>interconnected</u> central registers referred to in Article 10 shall be granted to ~~FIUs~~ <u>the FIU</u> , supervisory authorities, public authorities with designated responsibilities for combating money laundering or terrorist financing, as well as tax authorities and authorities that have the function of investigating or prosecuting money laundering, its predicate offences and terrorist financing,	2. Access to the central registers referred to in Article 10 shall be granted to FIUs, <u>AMLA</u> , supervisory authorities, public authorities with designated responsibilities for combating money laundering or terrorist financing, <u>public procurement agencies</u> as well as tax authorities and authorities that have the function of investigating or prosecuting money laundering, its predicate offences and terrorist	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	freezing and confiscating criminal assets. Self-regulatory bodies shall be granted access to the registers when performing supervisory functions.	tracing and seizing or freezing and confiscating criminal assets. Self-regulatory bodies shall be granted access to the registers when performing supervisory functions.	financing, tracing and seizing or freezing and confiscating ~~criminal~~ assets. Self-regulatory bodies shall be granted access to the registers when performing supervisory functions.	
Article 11(3)				
227	3. Member States shall ensure that, when taking customer due diligence measures in accordance with Chapter III of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation], obliged entities have timely access to the information held in the interconnected central registers referred to in Article 10.	3. Member States shall ensure that, when taking customer due diligence measures in accordance with Chapter III of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation]~~ , obliged entities have timely access to the information held in the interconnected central registers referred to in Article 10. <u>Member States may choose to make access for obliged entities on the condition of the payment of a fee, which shall not exceed the administrative costs of making the information accessible, including costs of maintenance and developments of the register.</u>	3. Member States shall ensure that, when taking customer due diligence measures in accordance with Chapter III of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation], obliged entities <u>and agents or external service providers to which tasks are outsourced in accordance with Regulation ... [please refer to AML Regulation - 2021/0239(COD)]</u> have timely, <u>unrestricted and free</u> access to the information held in the interconnected central registers referred to in Article 10. <u>In accordance with Chapter IV of Regulation (EU) 2016/679, the obliged entity shall remain fully liable for any action of agents or external service providers to which activities are outsourced when those agents or external service providers access the information held in the interconnected central registers referred to in Article 10.</u> <u>The obliged entity shall obtain</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>prior authorisation from the data protection supervisory authority in relation to access to a register by an agent or external service provider for the duration of the outsourcing contract between the obliged entities and the agents or external service providers. The data protection supervisory authority shall respond in a timely manner and no later than within two months. If no response is given within that time limit, access shall be deemed to have been granted.</u> <u>The entity in charge of the central register shall suspend access to the register to obliged entities or agents or external service providers to which tasks are outsourced, in the event of [a risk of a serious failure to comply with the purposes for which access was granted] and or to comply with their obligations under Regulation (EU) 2016/679].</u> <u>Member States shall ensure that such a suspension can be reviewed by the relevant administrative or judicial authorities."</u>	
Article 11(4)				
228	4. By [3 months after the date of transposition of this Directive], Member States shall notify to the Commission the list of competent authorities and self-regulatory	4. By <u>[3 months after the date of transposition of this Directive]</u> ~~3 months after the date of transposition of this Directive~~ , Member States shall notify to the	4. By [3 months after the date of transposition of this Directive], Member States shall notify to the Commission the list of competent authorities and self-regulatory	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	bodies and the categories of obliged entities that were granted access to the registers and the type of information available to obliged entities, as well as the beneficial ownership information that can be accessed by the public pursuant to Article 12. Member States shall update such notification when changes to the list of competent authorities or categories of obliged entities or to the extent of access granted to obliged entities or the public occur. The Commission shall make the information on the access by competent authorities and obliged entities, including any change to it, available to the other Member States.	Commission the list of competent authorities and self-regulatory bodies <u>pursuant to paragraphs 1 and 2</u> and the categories of obliged entities that were granted access to the registers and the type of information available to obliged entities, as well as the beneficial ownership information that can be accessed by the public pursuant to Article 12. Member States shall update such notification when changes to the list of competent authorities or categories of obliged entities or to the extent of access granted to obliged entities or the public occur. The Commission shall make the information on the access by competent authorities and obliged entities, including any change to it, available to the other Member States.	bodies and the categories of obliged entities that were granted access to the registers and the type of information available to obliged entities, ~~as well as the beneficial ownership information that can be accessed by the public pursuant to Article 12.~~ Member States shall update such notification when changes to the list of competent authorities or categories of obliged entities ~~or to the extent of access granted to obliged entities or the public occur.~~ The Commission shall make the information on the access by competent authorities and obliged entities, including any change to it, available to the other Member States <u>and AMLA</u> .	
Article 12				
229	Article 12 Specific access rules to beneficial ownership registers for the public	Article 12 Specific access rules to beneficial ownership registers for the public	Article 12 Specific access rules to beneficial ownership registers for the ~~public~~ <u>persons having a legitimate interest</u>	EC to provide a non-paper on access to information on bo TM3 14062023
Article 12(1), first subparagraph				
230	1. Member States shall ensure that any member of the general public	1. Member States shall ensure that any ~~member of the general~~	1. Member States shall ensure that any ~~member of the general public~~	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	has access to the following information held in the interconnected central registers referred to in Article 10:	~~public~~ <u>natural or legal person that can demonstrate a legitimate interest</u> has access to the following information held in the interconnected central registers referred to in Article 10:	~~has access to the following~~ <u>natural or legal person having a legitimate interest in accessing</u> information ~~held on beneficial owners has access,~~ in the ~~interconnected~~ central registers referred to in Article 10, <u>including the interconnected central registers, to:</u>	
Article 12(1), first subparagraph, point (a)				
231	(a) in the case of legal entities, at least the name, the month and year of birth and the country of residence and nationality of the beneficial owner as well as the nature and extent of the beneficial interest held;	(a) ~~in the case of legal entities, at least the name~~ <u>all names and surnames</u> , the month and year of birth and the country of residence and nationality <u>or nationalities</u> of the beneficial owner ~~as well as the nature and extent of the~~ <u>or of the natural person(s) who hold the position of senior managing official(s) where no person is identified as</u> beneficial ~~interest~~ <u>held</u> <u>owner pursuant to Article 45(2) and (3); and</u>	(a) in the case of ~~legal~~ <u>corporate</u> entities, ~~at least~~ <u>legal entities or legal arrangements</u> , the name, ~~the~~ month and year of birth ~~and,~~ the country of residence and nationality of the beneficial owner ~~as well as,~~ the nature and extent of the beneficial interest held; <u>the date the beneficial owner became beneficial owner, data on the past beneficial owners, and contact details of the corporate entity, legal entity, express trust or similar legal arrangements, or contact details of the trustee or person holding an equivalent position.</u>	
Article 12(1), first subparagraph, point (b)				
232	(b) in case of express trusts or similar legal arrangements, the name, the month and year of birth and the country of residence and nationality of the beneficial owner as	(b) ~~in case of express trusts or similar legal arrangements, the name, the month and year of birth and the country of residence and nationality of the beneficial owner~~	(b) ~~in case of express trusts or similar legal arrangements, the name, the~~ <u>where no beneficial owner has been identified, the justification provided for there being no</u>	

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	well as the nature and extent of the beneficial interest held, provided that a legitimate interest can be demonstrated.	~~as well as the nature and the nature and the~~ extent of the beneficial interest held; ~~provided that a legitimate interest can be demonstrated.~~	<u>beneficial owner or for it not being possible to identify the beneficial owner, and the name,</u> month and year of birth ~~and the~~ country of residence and nationality of the ~~beneficial owner as well as the nature and extent of the beneficial interest held, provided that a legitimate interest can be demonstrated~~ <u>natural person or persons who hold the position of senior managing official or senior managing officials in the corporate or legal entity, as referred to in Article 10(3)(b).</u>	
Article 12(1), second subparagraph				
233	In addition to the information listed in the first subparagraph, point (a), Member States may, under conditions to be determined in national law, provide for access to additional information necessary for the identification of the beneficial owner. That additional information shall include at least the date of birth or contact details in accordance with Union and Member State data protection rules.	<u>The natural or legal persons that have a legitimate interest in accessing</u> ~~In addition to the information listed in the first subparagraph, point (a), Member States may, under conditions to be determined in national law, provide for access to additional information necessary for the identification of the beneficial owner. That additional information shall include at least the date of birth or contact details in accordance with Union and Member State data protection rules~~ <u>shall include the journalists and civil society organisations that are connected with the prevention and combating of money laundering</u>	In addition to the information listed in the first subparagraph, point (a), Member States may, under conditions to be determined in national law, provide for access to additional information necessary for the identification of the beneficial owner. That additional information shall include at least the date of birth or contact details in accordance with Union and Member State data protection rules.	

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		<u>and terrorist financing and persons who are likely to enter into transactions with a legal entity and financial institutions and authorities, in so far as they are involved in the prevention and combat of money laundering, its predicate offences or terrorist financing and do not already have access pursuant to Article 11.</u>		
Article 12(2)				
234	2. Member States may choose to make beneficial ownership information held in their central registers available to the public on the condition of authentication using electronic identification means and relevant trust services as set out in Regulation (EU) 910/2014 of the European Parliament and of the Council¹ and the payment of a fee, which shall not exceed the administrative costs of making the information available, including costs of maintenance and developments of the register. ¹ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).	2. Member States may choose to make beneficial ownership information held in ~~their~~<u>the interconnected</u> central registers referred to in Article 10 available to the public on the condition of authentication using electronic identification means and relevant trust services as set out in Regulation (EU) 910/2014 of the European Parliament and of the Council¹ ~~and~~<u>or</u> the payment of a fee, which shall not exceed the administrative costs of making the information available, including costs of maintenance and developments of the register. ¹ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).	2. ~~Member States may choose to make beneficial ownership information held in their central registers available to the public on the condition of authentication using electronic identification means and relevant trust services as set out in~~ <u>At least persons that belong to any of the following groups shall be considered to have a legitimate interest in accessing the information on beneficial owners as referred to in paragraph 1:</u> <u>(a) persons acting for the purpose of journalism, reporting or any other form of expression in the media that are connected with, or that intend to carry out such activities related to, the prevention or combating of money laundering, its predicate offences or terrorist financing;</u> <u>(b) civil society organisations</u>	

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			<u>that are connected with, or that intend to carry out activities related to, the prevention and combating of money laundering, its predicate offences or terrorist financing;</u> <u>(c) higher education institutions as defined in Article 2, point 19, of Regulation (EU) 910/2014~~2021/817~~ of the European Parliament and of the Council¹ and the payment of a fee, which shall not exceed the administrative costs of making the information available, including costs of maintenance and developments of the register^{1a}, that carry out, or that intend to carry out, activities connected with to the prevention and combating of money laundering, or its predicate offences or terrorist financing;</u> <u>(d) persons who are likely to enter into transactions or business relationships with a corporate entity, legal entity or legal arrangement;</u> <u>(e) persons who are likely to perform a task or engage in a business relationship that requires them to assess whether a corporate entity, legal entity or legal arrangements, or its beneficial owner is subject to targeted financial sanctions;</u> <u>(f) financial institutions, external agents and service providers and authorities in so far as they are involved in the</u>	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 207/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>prevention or combating of money laundering, or its predicate offences or terrorist financing, and do not already have such access pursuant to Article 11.</u> <u>^{1a} Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013 (OJ L 189, 28.5.2021, p. 1).</u> ~~1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).~~	
Article 12(2a)				
234a			<u>2a. Member States shall ensure timely access for natural and legal persons belonging to the categories set out in paragraph 2 to information as referred to in paragraph 1 following the assessment by the authorities in charge of the central registers, such assessment to be done individually on the basis of a declaration of honour and proof of identification submitted to those authorities. If no</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>decision on access has been communicated in writing to the person applying for access within ten days of the submission of the declaration of honour and the proof of identification, access shall be considered to have been granted and shall be given automatically.</u> <u>For natural or legal person claiming legitimate interest based on grounds other than belonging to one of the categories set out in paragraph 2, access to information as referred to in paragraph 1 shall be granted following the assessment by the authorities in charge of the central registers as to whether the requirement for having legitimate interest is met. That assessment shall be done on a case by case basis, taking into account the grounds provided in the access request and the supporting documents. Those authorities shall take a decision to grant or refuse access in a timely manner and in any event within one month of the submission of the access request.</u>	
Article 12(2b)				
234b			<u>2b. A decision granting access as referred to in paragraph 2a, first subparagraph, including a decision given automatically ten days after submission of a declaration of</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>honour and proof of identification, shall be valid for a period of at least 2,5 years. Such a decision shall be recognised as proof of having a legitimate interest in all Member States and therefore give access to information as referred to in paragraph 1 for the same period in all Member States.</u>	
Article 12(2c)				
234c			<u>2c. Member States may decide to automatically renew access to information granted under paragraph 2a. Natural and legal person having been granted such access shall notify authorities in charge of the central registers of any change affecting their right to access information as referred to in paragraph 1.</u>	
Article 12(2d)				
234d			<u>2d. In case of proven or documented abuse or ongoing judicial proceedings related to the illegal use of their systems by a person having been granted access under paragraph 2a, authorities in charge of the central registers in any of the Member States concerned may immediately suspend or revoke that person's</u>	

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			<u>access to their own registers, notify the competent authorities in other Member States concerned and submit a request for suspension of access to the authority that granted the access right. Any notification or request for suspension in view of ongoing judicial proceedings shall be duly justified by the requesting competent authority. A revocation or suspension shall be communicated to the affected person in writing, through the communication channel used for the submissions referred to in paragraph 1a, in a timely manner and no later than ten days from the decision to revoke or suspend. Member States shall provide for appropriate legal remedies in case of revocation or suspension of access and communicate them to the affected person.</u>	
Article 12(2e)				
234e			<u>2e. Member States shall provide for appropriate measures, in accordance with national law, in case of a false declaration of honour submitted to authorities in charge of the central registers for the purpose of gaining access to as referred to in paragraph 1.</u>	
Article 12(2f)				

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234f			<u>2f. The Commission shall adopt implementing acts to issue a common request form and template for the declaration of honour referred to in paragraph 2a with regard to professional qualifications, professional experience, public activity, membership in any relevant professional association or similar body, or any other valid documentation allowing for the verification that a natural or legal person belong to the categories set out in paragraph 2 as well as proof of identification such as travel or identity documents, the person identification data as defined in Article 3, point (3), of Regulation (EU) No 910/2014 of the European Parliament and of the Council^{1a}, or any other valid documentation allowing the identification of the natural or legal person requesting access. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).</u> <u>The Commission shall adopt implementing acts to specify the common format of the decision referred to in paragraph 2a, with a view to ensure mutual recognition of those decisions by the central registers in other Member States as referred to in paragraph 2b. Those</u>	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 212/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).</u> <u>^{1a} Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).</u>	
Article 12(2g)				
234g			<u>2g. The information set out in paragraph 1, point (a), shall not be used, directly or indirectly, for marketing or commercial purposes, except when those purposes relate directly to the reasons why a legitimate interest in accessing information on beneficial owners has been found to exist. Member States shall make access to that information subject to a signed statement to that effect.</u>	
Article 12(2h)				
234h			<u>2h. Member States may choose to make beneficial ownership information held in their central registers available on the condition</u>	

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			<u>of authentication using electronic identification means and relevant trust services as defined in Article 3, points (2) and (16), respectively, of Regulation (EU) 910/2014 and the payment of a fee which shall not exceed the direct costs of making the information available. Where the access to beneficial ownership information is provided online or in electronic form, Member States shall not require the payment of any fees.</u>	
Article 12(2i)				
234i			<u>2i. Member States shall not impose legal or practical restrictions to access to information as referred to in paragraph 1 on the basis of the geographical establishment or location, legal or organisational status or nationality of the natural or legal person requesting access, or of the means or conditions of authentication.</u>	
Article 12(2j)				
234j			<u>2j. Member States shall ensure that authorities in charge of the central registers keep a log of when a person accesses the register. Member States shall ensure that authorities in charge of the central</u>	

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			<u>registers do not monitor or keep any log regarding the specific information in the register consulted by persons having been granted access under paragraph 2a.</u>	
Article 12a				
234k			<u>Article 12a</u> <u>Article 12a</u> <u>Searches in Beneficial Ownership Register</u> <u>1. The European Central Platform shall serve as a central search service, making available all information related to beneficial ownership.</u> <u>2. Competent authorities, AMLA, self-regulatory bodies and obliged entities shall be able to make searches of beneficial ownership information as set out in Article 11 through the European Central Platform. Persons having legitimate interest pursuant to Article 12 shall be able to make searches of the beneficial ownership information as set out in Article 12 through the European Central Platform.</u> <u>3. The following harmonised search criteria shall be useable for searches referred to in paragraph 2:</u> <u>(a) with regard to companies or other legal entities, trusts or</u>	<u>Article 12a</u> <u>Article 12a</u> <u>Searches in Beneficial Ownership Register</u> <u>1. The European Central Platform shall serve as a central search service, making available all information related to beneficial ownership.</u> <u>2. Competent authorities, AMLA, self-regulatory bodies and obliged entities shall be able to make searches of beneficial ownership information as set out in Article 11 through the European Central Platform [in one of the official languages of the Treaties]. Persons having legitimate interest pursuant to Article 12 shall be able to make searches of the beneficial ownership information as set out in Article 12 through the European Central Platform [in one of the official languages of the Treaties].</u> <u>3. The following harmonised search criteria shall be useable for searches referred to in paragraph 2:</u>

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			<u>similar arrangements alternatively:</u> <u>(i) name of the legal entity, trust or similar arrangement;</u> <u>(ii) national registration number.</u> <u>(b) with regard to persons as beneficial owners alternatively:</u> <u>(i) first name and surname of the beneficial owner;</u> <u>(ii) month and year of birth of the beneficial owner;</u> <u>(c) with regard to nominee shareholders and nominee directors first name and surname of the nominee shareholder and nominee director;</u> <u>Member States may make available further search criteria in additio to the ones set out in the first subparagraph..</u> <u>3. The European Central Platform shall allow the reporting of discrepancies as referred to in Article 10(5).</u>	<u>(a) with regard to companies or other legal entities, trusts or similar arrangements alternatively:</u> <u>(i) name of the legal entity, trust or similar arrangement;</u> <u>(ii) national registration number.</u> <u>(b) with regard to persons as beneficial owners alternatively:</u> <u>(i) first name and surname of the beneficial owner;</u> <u>(ii) month and year of birth of the beneficial owner;</u> <u>(c) with regard to nominee shareholders and nominee directors first name and surname of the nominee shareholder and nominee director;</u> <u>Member States may make available further search criteria in additio to the ones set out in the first subparagraph..</u> <u>3. The European Central Platform shall allow the reporting of discrepancies as referred to in Article 10(5).</u> EC to check on addition : "[in one of the official languages of the Treaties]" Tentative addition for the purposes of covering language issue. Text Origin: EP Mandate TM3 14062023

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Article 13				
235	Article 13 Exceptions to the access rules to beneficial ownership registers	Article 13 Exceptions to the access rules to beneficial ownership registers	Article 13 Exceptions to the access rules to beneficial ownership registers	Article 13 Exceptions to the access rules to beneficial ownership registers Text Origin: Commission Proposal
Article 13, first paragraph				
236	In exceptional circumstances to be laid down in national law, where the access referred to in Articles 11(3) and 12(1) would expose the beneficial owner to disproportionate risk of fraud, kidnapping, blackmail, extortion, harassment, violence or intimidation, or where the beneficial owner is a minor or otherwise legally incapable, Member States may provide for an exemption from such access to all or part of the personal information on the beneficial owner on a case-by-case basis. Member States shall ensure that those exemptions are granted upon a detailed evaluation of the exceptional nature of the circumstances. Rights to an administrative review of the decision granting an exemption and to an effective judicial remedy shall be guaranteed. A Member State that has granted exemptions shall publish annual statistical data on the number	In exceptional circumstances to be laid down in national law, where the access referred to in Articles 11(3) and 12(1) would expose the beneficial owner to disproportionate risk of fraud, kidnapping, blackmail, extortion, harassment, violence or intimidation, or where the beneficial owner is a minor or otherwise legally incapable, Member States may provide for an exemption from such access to all or part of the personal information on the beneficial owner on a case-by-case basis. Member States shall ensure that those exemptions are granted upon a detailed evaluation of the exceptional nature of the circumstances. Rights to an administrative review of the decision granting an exemption and to an effective judicial remedy shall be guaranteed. A Member State that has granted exemptions shall publish annual statistical data on the number	In exceptional circumstances to be laid down in national law, where the access referred to in Articles 11(3) and 12(1) would expose the beneficial owner to disproportionate risk of fraud, kidnapping, blackmail, extortion, harassment, violence or intimidation, ~~or where the beneficial owner is a minor or otherwise legally incapable,~~ Member States may <u>shall</u> provide for an exemption from such access to all or part of the personal information on the beneficial owner on a case-by-case basis. Member States shall ensure that those exemptions are granted upon a detailed evaluation of the exceptional nature of the circumstances. Rights to an administrative review of the decision granting an exemption and to an effective judicial remedy shall be guaranteed. <u>Member States shall ensure that exemptions granted are reviewed every two years.</u> A	

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	of exemptions granted and reasons stated and report the data to the Commission.	of exemptions granted and reasons stated and report the data to the Commission.	Member State that has granted exemptions shall publish annual statistical data on the number of exemptions granted and reasons stated and report the data to the Commission.	
Article 13, second paragraph				
237	Exemptions granted pursuant to this Article shall not apply to the obliged entities referred to in Article 3, point (3)(b), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] that are public officials.	Exemptions granted pursuant to this Article shall not apply to the obliged entities referred to in Article 3, point (3)(b), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] that are public officials.	Exemptions granted pursuant to this Article shall not apply to the obliged entities referred to in Article 3, point (3)(b), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] that are public officials.	Exemptions granted pursuant to this Article shall not apply to the obliged entities referred to in Article 3, point (3)(b), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] that are public officials. Text Origin: Commission Proposal
Section 2				
238	Section 2 Bank account information	Section 2 Bank account information	Section 2 Bank account <u>and custodial crypto-asset wallet</u> information	
Article 14				
239	Article 14 Bank account registers and electronic data retrieval systems	Article 14 Bank account registers and electronic data retrieval systems	Article 14 Bank account registers and electronic data retrieval systems	Article 14 Bank account registers and electronic data retrieval systems Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 14(1), first subparagraph				
240	1. Member States shall put in place centralised automated mechanisms, such as a central registers or central electronic data retrieval systems, which allow the identification, in a timely manner, of any natural or legal persons holding or controlling payment accounts and bank accounts identified by IBAN, as defined by Regulation (EU) No 260/2012 of the European Parliament and of the Council¹, and safe-deposit boxes held by a credit institution within their territory. 1. Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22).	1. Member States shall put in place centralised automated mechanisms, such as ~~a~~ central registers or central electronic data retrieval systems, which allow the identification, in a timely manner, of any natural or legal persons holding or controlling payment accounts, ~~or and~~ bank accounts identified by IBAN, as defined by Regulation (EU) No 260/2012 of the European Parliament and of the Council¹, and safe-deposit boxes held by a credit institution within their territory. 1. Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22).	1. Member States shall put in place centralised automated mechanisms, such as a central registers or central electronic data retrieval systems, which allow the identification, in a timely manner, of any natural or legal persons holding or controlling payment accounts and bank accounts identified by IBAN, as defined by Regulation (EU) No 260/2012 of the European Parliament and of the Council¹, <u>including virtual IBAN accounts</u>, <u>securities accounts</u> and safe-deposit boxes held by a credit <u>or financial</u> institution within their territory, <u>and custodial crypto-asset wallets</u>. 1. Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22).	Discuss with lines 245, 246 COM: Consultation with ESMA/ESAs, assessment of technical feasibility with regard to inclusion of virtual IBAN, securities and custodial crypto-asset wallets EC to revert TM4 060722023
Article 14(1), second subparagraph				
241	Member States shall notify the Commission of the characteristics of those national mechanisms as well as the criteria pursuant to which information is included in those national mechanisms.	Member States shall notify the Commission of the characteristics of those national mechanisms as well as the criteria pursuant to which information is included in those national mechanisms.	Member States shall notify the Commission of the characteristics of those national mechanisms as well as the criteria pursuant to which information is included in those national mechanisms.	Member States shall notify the Commission of the characteristics of those national mechanisms as well as the criteria pursuant to which information is included in those national mechanisms.

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
	Article 14(2)			
242	2. Member States shall ensure that the information held in the centralised mechanisms referred to in paragraph 1 is directly accessible in an immediate and unfiltered manner to national FIUs. The information shall also be accessible to national competent authorities for fulfilling their obligations under this Directive.	2. Member States shall ensure that the information held in the centralised mechanisms referred to in paragraph 1 is directly accessible in an immediate and unfiltered manner to ~~national FIUs~~ <u>the FIU</u>. The information shall also be accessible to national competent authorities for fulfilling their obligations under this Directive.	2. Member States shall ensure that the information held in the centralised mechanisms referred to in paragraph 1 is directly accessible in an immediate and unfiltered manner to national FIUs <u>and AMLA</u>. The information shall also be accessible <u>in a timely manner</u> to national competent authorities for fulfilling their obligations under this Directive <u>and Regulation ... [add reference to AML Regulation - 2021/0239(COD)]</u>.	2. Member States shall ensure that the information held in the centralised mechanisms referred to in paragraph 1 is directly accessible in an immediate and unfiltered manner to ~~national FIUs~~ <u>the FIU, as well as to AMLA for the purposes of joint analyses pursuant to Article 25 of this Directive and Article 33 of [AMLA]</u>. The information shall also be accessible <u>in a timely manner to [supervisory to national competent authorities including AMLA]</u> for fulfilling their obligations under this Directive. CONS to confirm the reformulation on "supervisory authorities" reference to AMLA and "supervisory authorities" be considered together with 243 and 248 CONS to revert DLA Text Origin: EP Mandate TM4 06072023
	Article 14(2a)			
242a		<u>2a. By derogation from paragraph</u>		<u>2a. II</u>

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		<u>2, Member States may allow that FIU is denied access to information held in the centralised mechanisms referred to in paragraph 1 in exceptional circumstances if the access to such information would have a negative impact on ongoing investigations or if the access to such information would be clearly disproportionate to the legitimate interests of a natural person with regard to the purposes for which access has been requested.</u>		EC/EP comments: no reasons to restrict access to financial information to FIUs, restricts current AMLD6 provisions, type of information does not have impact on investigations, authorities in charge of those BAR have no means to assess impact on LEA investigations or interest of the persons (not feasible); if FIUs are cut access to BAR they have always possibilities to send requests to obliged entities to know where clients hold accounts (restriction not workable). CONS to revert TM4 06072023
	Article 14(3)			
6	243	3. The following information shall be accessible and searchable through the centralised mechanisms referred to in paragraph 1:	3. The following information shall be accessible and searchable through the centralised mechanisms referred to in paragraph 1:	3. The following information shall be accessible and searchable through the centralised mechanisms referred to in paragraph 1: Text Origin: Commission Proposal
	Article 14(3), point (a)			
y	244	(a) for the customer-account holder and any person purporting to act on behalf of the customer: the name, complemented by either the other identification data required under	(a) for the customer-account holder and any person purporting to act on behalf of the customer: <u>either</u> the name, complemented by either the other identification data required	(a) for the customer-account <u>and securities-account</u> holder and any person purporting to act on behalf of the customer: the name, complemented by either the other

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	Article 18(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] or a unique identification number;	under Article 18(1) of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation] and the date when the person purporting to act on behalf of the customer, if any, started and ceased to have the power to act on behalf of the customer, or a an unambiguous [please insert reference—proposal for Anti-Money Laundering Regulation] or a</u> unique identification number <u>and the date when the person purporting to act on behalf of the customer, if any, started and ceased to have the power to act on behalf of the customer;</u>	identification data required under Article 18(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] or a unique identification number;	identification data required under Article 18(1) of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation] and the date when the person purporting to act on behalf of the customer, if any, started and ceased to have the power to act on behalf of the customer, or an [unambiguous [please insert reference—proposal for Anti-Money Laundering Regulation] or a</u> unique identification number <u>] and the date when the person purporting to act on behalf of the customer, if any, started and ceased to have the power to act on behalf of the customer;</u> <u>[In case of virtual IBAN account the customer account holder shall be the holder of the real account to which payments addressed to the virtual IBAN account are automatically rerouted;]</u> COM to propose IA clarifying unambiguous unique identification number Further discussion in relation to CDD in AMLR - decision to wher to insert the provision. EC to revert Text Origin: Council Mandate TM4 06072023

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Article 14(3), point (b)				
245	(b) for the beneficial owner of the customer-account holder: the name, complemented by either the other identification data required under Article 18(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] or a unique identification number;	(b) for the beneficial owner of the customer-account holder: the name, complemented by either the other identification data required under Article 18(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] <u>and the date when the person became beneficial owner of the customer-account holder and the date when this person ceased to be beneficial owner of the customer-account holder</u> , or a unique identification number <u>and the date when the person became beneficial owner of the customer-account holder and the date when this person ceased to be beneficial owner of the customer-account holder</u> ;	(b) for the beneficial owner of the customer-account <u>or securities-account</u> holder: the name, complemented by either the other identification data required under Article 18(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] or a unique identification number;	(b) for the beneficial owner of the customer-account holder <u>for securities account</u> : the name, complemented by either the other identification data required under Article 18(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] <u>and the date when the person became beneficial owner of the customer-account holder and the date when this person ceased to be beneficial owner of the customer-account holder</u> , or a unique identification number <u>and the date when the person became beneficial owner of the customer-account holder and the date when this person ceased to be beneficial owner of the customer-account holder</u> ; Inclusion of securities account - pending consultation ESMA by COM EC to revert Text Origin: Council Mandate TM4 06072023
Article 14(3), point (c)				
246	(c) for the bank or payment account: the IBAN number and the date of account opening and closing;	(c) for the bank or payment account: the IBAN number, <u>or where the account is not identified by an</u>	(c) for the bank or payment account: the IBAN number, <u>or an equivalent identification number</u> , and the date	(c) for the bank or payment account: the IBAN number, <u>or where the account is not identified by an</u>

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		<u>IBAN number, the unique account identifier</u> , and the date of account opening and closing;	of account opening and closing, <u>where applicable</u> ;	<u>IBAN number, the unique account identifier</u> , and the date of account opening and closing; Text Origin: Council Mandate TM4 06072023
Article 14(3), point (d)				
247	(d) for the safe-deposit box: name of the lessee complemented by either the other identification data required under Article 18(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] or a unique identification number and the duration of the lease period.	(d) for the safe-deposit box: <u>either</u> name of the lessee complemented by ~~either~~ the other identification data required under Article 18(1) of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation], or an unambiguous</u> ~~[please insert reference—proposal for Anti-Money Laundering Regulation] or a~~ unique identification number and the ~~duration~~ <u>start date and, where the service has been terminated, the end date</u> of the lease ~~period~~ .	(d) for the safe-deposit box: name of the lessee complemented by either the other identification data required under Article 18(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] or a unique identification number and the duration of the lease period.	(d) for the safe-deposit box: <u>[either]</u> name of the lessee complemented by either the other identification data required under Article 18(1) of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation], or an unambiguous</u> ~~[please insert reference—proposal for Anti-Money Laundering Regulation] or a~~ unique identification number and the ~~duration~~ <u>start date and, where the service has been terminated, the end date</u> of the lease ~~period~~ . CONS - question of coverage of non-financial institutions providing information on safe-deposit boxes COM to propose draft concerning the coverage. CONS to confirm impact EC to revert CONS to revert Text Origin: Council Mandate TM4 06072023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 14(3), point (da)				
247a			<u>(da) for the custodial crypto-asset wallet holder and any person purporting to act on behalf of the customer: the name, complemented by either the other identification data required under article 18(1) of Regulation ... [please insert reference to the AMLR - 2021/0239(COD)] or a unique identification number;</u>	<u>(da)</u> Review after ESAs consultation TM4 06072023
Article 14(3), point (db)				
247b			<u>(db) for the beneficial owner of the custodial crypto-asset wallet holder: the name, complemented by either the other identification data required under article 18(1) of Regulation ... [please insert reference to the AMLR - 2021/0239(COD)] or a unique identification number.</u>	<u>(db)</u> To revert after ESAs consultation TM4 06072023
Article 14(4)				
248	4. Member States may require other information deemed essential for FIUs and other competent authorities for fulfilling their obligations under this Directive to be accessible and searchable through the centralised mechanisms.	4. Member States may require other information deemed essential for FIUs and other competent authorities for fulfilling their obligations under this Directive to be accessible and searchable through the centralised mechanisms.	4. Member States may require other information deemed essential for FIUs, <u>AMLA</u> and other competent authorities for fulfilling their obligations under this Directive to be accessible and searchable through the centralised mechanisms.	4. Member States may require other information deemed essential for ~~FIUs and other competent~~ <u>the FIU, as well as AMLA in accordance with paragraph 2 and supervisory</u> authorities for fulfilling their obligations under this Directive to be accessible and searchable through

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				the centralised mechanisms. DLA Text Origin: EP Mandate TM4 060723023
Article 14(5), first subparagraph				
249	5. The centralised automated mechanisms referred to in paragraph 1 shall be interconnected via the bank account registers (BAR) single access point to be developed and operated by the Commission.	5. The centralised automated mechanisms referred to in paragraph 1 shall be interconnected via the bank account registers (BAR) single access point to be developed and operated by the Commission.	5. The centralised automated mechanisms referred to in paragraph 1 shall be interconnected via the bank account registers (BAR) single access point to be developed and operated by the Commission.	5. The centralised automated mechanisms referred to in paragraph 1 shall be interconnected via the bank account registers (BAR) single access point to be developed and operated by the Commission. Text Origin: Commission Proposal
Article 14(5), second subparagraph				
250	The Commission is empowered to adopt, by means of implementing acts, the technical specifications and procedures for the connection of the Member States' centralised automated mechanisms to the single access point. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).	The Commission is empowered to adopt, by means of implementing acts, the technical specifications and procedures for the connection of the Member States' centralised automated mechanisms to the single access point. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).	The Commission is empowered to adopt, by means of implementing acts, the technical specifications and procedures for the connection of the Member States' centralised automated mechanisms to the single access point. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).	The Commission is empowered to adopt, by means of implementing acts, the technical specifications and procedures for the connection of the Member States' centralised automated mechanisms to the single access point. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2). Text Origin: Commission Proposal
Article 14(6), first subparagraph				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
251	6. Member States shall ensure that the information referred to in paragraph 3 is available through the single access point interconnecting the centralised automated mechanisms. Member States shall take adequate measures to ensure that only the information referred to in paragraph 3 that is up to date and corresponds to the actual bank account information is made available through their national centralised automated mechanisms and through the single access point interconnecting the centralised automated mechanisms referred to in this paragraph. The access to that information shall be granted in accordance with data protection rules.	6. Member States shall ensure that the information referred to in paragraph 3 is available through the single access point interconnecting the centralised automated mechanisms. Member States shall take adequate measures to ensure that only the information referred to in paragraph 3 that is up to date and corresponds to the actual bank account information is made available through their national centralised automated mechanisms and through the single access point interconnecting the centralised automated mechanisms referred to in this paragraph. The access to that information shall be granted in accordance with data protection rules.	6. Member States shall ensure that the information referred to in paragraph 3 is available through the single access point interconnecting the centralised automated mechanisms. Member States shall take adequate measures to ensure that only the information referred to in paragraph 3 that is up to date and corresponds to the actual bank account, <u>securities account or custodial crypto-asset wallet</u> information is made available through their national centralised automated mechanisms and through the single access point interconnecting the centralised automated mechanisms referred to in this paragraph. <u>Member States shall take adequate measures to ensure that information on holders of closed customer-accounts, bank or payment accounts, custodial crypto-asset wallets and safe-deposit boxes is made available through their national centralised automated mechanisms and through the single access point interconnecting the centralised automated mechanisms for a period of five years after the closure of the account or wallet. Member States may, without prejudice to national criminal law on evidence applicable to ongoing criminal investigations and legal proceedings, allow or require the</u>	6. Member States shall ensure that the information referred to in paragraph 3 is available through the single access point interconnecting the centralised automated mechanisms. Member States shall take adequate measures to ensure that only the information referred to in paragraph 3 that is up to date and corresponds to the actual bank account, <u>[securities account or custodial crypto-asset wallet</u> information] is made available through their national centralised automated mechanisms and through the single access point interconnecting the centralised automated mechanisms referred to in this paragraph. <u>Member States shall take adequate measures to ensure that information on holders of closed customer-accounts, bank or payment accounts, custodial crypto-asset wallets and safe-deposit boxes is made available through their national centralised automated mechanisms and through the single access point interconnecting the centralised automated mechanisms for a period of five years after the closure of the account or wallet. Member States may, without prejudice to national criminal law on evidence applicable to ongoing criminal investigations and legal proceedings, allow or require the</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>retention of such information or documents in concrete cases for a further maximum period of five years where the necessity and proportionality of such further retention have been established for the prevention, detection, investigation or prosecution of suspected money laundering or terrorist financing.</u> The access to that information shall be granted in accordance with data protection rules.	<u>retention of such information or documents in concrete cases for a further maximum period of five years where the necessity and proportionality of such further retention have been established for the prevention, detection, investigation or prosecution of suspected money laundering or terrorist financing.</u> The access to that information shall be granted in accordance with data protection rules. Relation 56(3) AMLR COM to propose rewording EC to revert Text Origin: EP Mandate
Article 14(6), second subparagraph				
252	The other information that Member States consider essential for FIUs and other competent authorities pursuant to paragraph 4 shall not be accessible and searchable through the single access point interconnecting the centralised automated mechanisms.	The other information that Member States consider essential for FIUs and other competent authorities pursuant to paragraph 4 shall not be accessible and searchable through the single access point interconnecting the centralised automated mechanisms.	The other information that Member States consider essential for FIUs and other competent authorities pursuant to paragraph 4 shall not be accessible and searchable through the single access point interconnecting the centralised automated mechanisms.	The other information that Member States consider essential for FIUs and other competent authorities pursuant to paragraph 4 shall not be accessible and searchable through the single access point interconnecting the centralised automated mechanisms. Text Origin: Commission Proposal
Article 14(7), first subparagraph				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
253	7. National FIUs shall be granted immediate and unfiltered access to the information on payment and bank accounts and safe-deposit boxes in other Member States available through the single access point interconnecting the centralised automated mechanisms. Member States shall cooperate among themselves and with the Commission in order to implement this paragraph.	7. ~~National FIUs~~<u>The FIU</u> shall be granted immediate and unfiltered access to the information on payment and bank accounts and safe-deposit boxes in other Member States available through the single access point interconnecting the centralised automated mechanisms. Member States shall cooperate among themselves and with the Commission in order to implement this paragraph.	7. National FIUs <u>and AMLA</u> shall be granted immediate and unfiltered access to the information on payment and bank accounts and safe-deposit boxes <u>referred in this Article in other Member States available through the single access point interconnecting the centralised automated mechanisms. National competent authorities shall be granted access in a timely manner to the information on payment and bank accounts and safe-deposit boxes referred in this Article</u> in other Member States available through the single access point interconnecting the centralised automated mechanisms. Member States shall cooperate among themselves and with the Commission in order to implement this paragraph.	7. ~~National FIUs~~<u>The FIU and AMLA pursuant to paragraph 2</u> shall be granted immediate and unfiltered access to the information on payment and bank accounts and safe-deposit boxes, <u>[as well as custodial crypto-asset wallets] referred in this Article in other Member States available through the single access point interconnecting the centralised automated mechanisms. Supervisory authorities, including AMLA shall be granted access in a timely manner to the information on payment and bank accounts and safe-deposit boxes referred in this Article</u> in other Member States available through the single access point interconnecting the centralised automated mechanisms. Member States shall cooperate among themselves and with the Commission in order to implement this paragraph. crypto-asset wallets - inclusion TBC after consultation of ESAs DLA Text Origin: EP Mandate TM4 06072023
Article 14(7), second subparagraph				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
254	Member States shall ensure that the staff of the national FIUs maintain high professional standards of confidentiality and data protection, are of high integrity and are appropriately skilled.	~~Member States shall ensure that the staff of the national FIUs maintain high professional standards of confidentiality and data protection, are of high integrity and are appropriately skilled.~~ ~~deleted~~	Member States shall ensure that the staff of the national FIUs <u>and competent authorities entitled to access to information under the first subparagraph</u> , maintain high professional standards of confidentiality and data protection, are of high integrity and are appropriately skilled.	Member States shall ensure that the staff of the national FIUs <u>and supervisory authorities that have access to the interconnection referred to in paragraph 7</u> maintain high professional standards of confidentiality and data protection, are of high integrity and are appropriately skilled. <u>The same requirements shall apply to AMLA staff in the context of joint analyses and when performing the tasks entrusted on it pursuant to article 5 (2) of AMLA regulation.</u> Text Origin: Commission Proposal TM5 17072023
Article 14(8)				
255	8. Member States shall ensure that technical and organisational measures are put in place to ensure the security of the data to high technological standards for the purposes of the exercise by FIUs of the power to access and search the information available through the single access point interconnecting the centralised automated mechanisms in accordance with paragraphs 5 and 6.	8. Member States shall ensure that technical and organisational measures are put in place to ensure the security of the data to high technological standards for the purposes of the exercise by FIUs of the power to access and search the information available through the single access point interconnecting the centralised automated mechanisms in accordance with paragraphs 5 and 6.	8. Member States shall ensure that technical and organisational measures are put in place to ensure the security of the data to high technological standards for the purposes of the exercise by FIUs <u>and AMLA</u> of the power to access and search the information available through the single access point interconnecting the centralised automated mechanisms in accordance with paragraphs 5 and 6.	8. Member States shall ensure that technical and organisational measures are put in place to ensure the security of the data to high technological standards for the purposes of the exercise by FIUs <u>and supervisory authorities</u> of the power to access and search the information available through the single access point interconnecting the centralised automated mechanisms in accordance with paragraphs 5 and 6. <u>The same requirements shall apply to AMLA</u>

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				<u>in the context of joint analyses and when performing the tasks entrusted on it pursuant to article 5 (2) of AMLA regulation.</u> Text Origin: Commission Proposal TM5 17072023
Article 15				
256	Article 15 Implementing acts for the interconnection of registers	Article 15 Implementing acts for the interconnection of registers	Article 15 Implementing acts for the interconnection of registers	Article 15 Implementing acts for the interconnection of registers Text Origin: Commission Proposal
Article 15(1), first subparagraph				
257	1. Where necessary, the Commission is empowered to adopt, by means of implementing acts, technical specifications and procedures necessary to provide for the interconnection of Member States' central registers in accordance with Article 10(11) with regard to:	1. Where necessary, the Commission is empowered to adopt, by means of implementing acts, technical specifications and procedures necessary to provide for the interconnection of Member States' central registers in accordance with Article 10(11) with regard to:	1. Where necessary, the Commission is empowered to adopt, by means of implementing acts, technical specifications and procedures necessary to provide for the interconnection of Member States' central registers in accordance with Article 10(11) with regard to:	1. Where necessary, the Commission is empowered to adopt, by means of implementing acts, technical specifications and procedures necessary to provide for the interconnection of Member States' central registers in accordance with Article 10(11) with regard to: Text Origin: Commission Proposal
Article 15(1), first subparagraph, point (a)				
258	(a) the technical specification	(a) the technical specification	(a) the technical specification	(a) the technical specification

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	defining the set of the technical data necessary for the platform to perform its functions as well as the method of storage, use and protection of such data;	defining the set of the technical data necessary for the platform to perform its functions as well as the method of storage, use and protection of such data;	defining the set of the technical data necessary for the platform to perform its functions as well as the method of storage, use and protection of such data;	defining the set of the technical data necessary for the platform to perform its functions as well as the method of storage, use and protection of such data; Text Origin: Commission Proposal
Article 15(1), first subparagraph, point (b)				
259	(b) the common criteria according to which beneficial ownership information is available through the system of interconnection of registers, depending on the level of access granted by Member States;	(b) the common criteria according to which beneficial ownership information is available through the system of interconnection of registers, depending on the level of access granted by Member States;	(b) the common criteria according to which beneficial ownership information is available through the system of interconnection of registers, depending on the level of access granted by Member States;	(b) the common criteria according to which beneficial ownership information is available through the system of interconnection of registers, depending on the level of access granted by Member States; Text Origin: Commission Proposal
Article 15(1), first subparagraph, point (c)				
260	(c) the technical details on how the information on beneficial owners is to be made available;	(c) the technical details on how the information on beneficial owners is to be made available;	(c) the technical details on how the information on beneficial owners is to be made available;	(c) the technical details on how the information on beneficial owners is to be made available; Text Origin: Commission Proposal
Article 15(1), first subparagraph, point (d)				
261	(d) the technical conditions of availability of services provided by the system of interconnection of registers;	(d) the technical conditions of availability of services provided by the system of interconnection of registers;	(d) the technical conditions of availability of services provided by the system of interconnection of registers;	(d) the technical conditions of availability of services provided by the system of interconnection of registers;

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 15(1), first subparagraph, point (e)				
262	(e) the technical modalities to implement the different types of access to information on beneficial ownership in accordance with Articles 11 and 12 of this Directive, including the authentication of users through the use of electronic identification means and relevant trust services as set out in Regulation (EU) 910/2014;	(e) the technical modalities to implement the different types of access to information on beneficial ownership in accordance with Articles 11 and 12 of this Directive, including the authentication of users through the use of electronic identification means and relevant trust services as set out in Regulation (EU) 910/2014;	(e) the technical modalities to implement the different types of access to information on beneficial ownership in accordance with Articles 11 and 12 of this Directive, including the authentication of users through the use of electronic identification means and relevant trust services as set out in Regulation (EU) 910/2014, <u>in a way that ensures that there are no geographical or other restrictions preventing access to persons granted access under Article 12;</u>	
Article 15(1), first subparagraph, point (f)				
263	(f) the payment modalities where access to beneficial ownership information is subject to the payment of a fee according to Article 12(2) taking into account available payment facilities such as remote payment transactions.	(f) the payment modalities where access to beneficial ownership information is subject to the payment of a fee according to Article 12(2) taking into account available payment facilities such as remote payment transactions.	~~(f) the payment modalities where access to beneficial ownership information is subject to the payment of a fee according to Article 12(2) taking into account available payment facilities such as remote payment transactions.~~	
Article 15(1), second subparagraph				
264	Those implementing acts shall be	Those implementing acts shall be	Those implementing acts shall be	Those implementing acts shall be

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	adopted in accordance with the examination procedure referred to in Article 54(2).	adopted in accordance with the examination procedure referred to in Article 54(2).	adopted in accordance with the examination procedure referred to in Article 54(2).	adopted in accordance with the examination procedure referred to in Article 54(2). Text Origin: Commission Proposal
Article 15(2), first subparagraph				
265	2. Where necessary, the Commission is empowered to adopt, by means of implementing acts, technical specifications and procedures necessary to provide for the interconnection of Member States' centralised mechanisms as referred to in Article 14(5), with regard to:	2. Where necessary, the Commission is empowered to adopt, by means of implementing acts, technical specifications and procedures necessary to provide for the interconnection of Member States' centralised mechanisms as referred to in Article 14(5), with regard to:	2. Where necessary, the Commission is empowered to adopt, by means of implementing acts, technical specifications and procedures necessary to provide for the interconnection of Member States' centralised mechanisms as referred to in Article 14(5), with regard to:	2. Where necessary, the Commission is empowered to adopt, by means of implementing acts, technical specifications and procedures necessary to provide for the interconnection of Member States' centralised mechanisms as referred to in Article 14(5), with regard to: Text Origin: Commission Proposal
Article 15(2), first subparagraph, point (a)				
266	(a) the technical specification defining the methods of communication by electronic means for the purposes of the bank account registers (BAR) single access point;	(a) the technical specification defining the methods of communication by electronic means for the purposes of the bank account registers (BAR) single access point;	(a) the technical specification defining the methods of communication by electronic means for the purposes of the bank account registers (BAR) single access point;	(a) the technical specification defining the methods of communication by electronic means for the purposes of the bank account registers (BAR) single access point; Text Origin: Commission Proposal
Article 15(2), first subparagraph, point (b)				
267	(b) the technical specification of the	(b) the technical specification of the	(b) the technical specification of the	(b) the technical specification of the

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	communication protocols;	communication protocols;	communication protocols;	communication protocols; Text Origin: Commission Proposal
Article 15(2), first subparagraph, point (c)				
268	(c) the technical specifications defining the data security, data protection safeguards, use and protection of the information which is searchable and accessible by means of the bank account registers (BAR) single access point interconnecting the centralised automated mechanisms;	(c) the technical specifications defining the data security, data protection safeguards, use and protection of the information which is searchable and accessible by means of the bank account registers (BAR) single access point interconnecting the centralised automated mechanisms;	(c) the technical specifications defining the data security, data protection safeguards, use and protection of the information which is searchable and accessible by means of the bank account registers (BAR) single access point interconnecting the centralised automated mechanisms;	(c) the technical specifications defining the data security, data protection safeguards, use and protection of the information which is searchable and accessible by means of the bank account registers (BAR) single access point interconnecting the centralised automated mechanisms; Text Origin: Commission Proposal
Article 15(2), first subparagraph, point (d)				
269	(d) the common criteria according to which bank account information is searchable through the single access point interconnecting the centralised automated mechanisms;	(d) the common criteria according to which bank account information is searchable through the single access point interconnecting the centralised automated mechanisms;	(d) the common criteria according to which bank account information is searchable through the single access point interconnecting the centralised automated mechanisms;	(d) the common criteria according to which bank account information is searchable through the single access point interconnecting the centralised automated mechanisms; Text Origin: Commission Proposal
Article 15(2), first subparagraph, point (e)				
270	(e) the technical details on how the information is made available by means of the single access point	(e) the technical details on how the information is made available by means of the single access point	(e) the technical details on how the information is made available by means of the single access point	(e) the technical details on how the information is made available by means of the single access point

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	interconnecting the centralised automated mechanisms, including the authentication of users through the use of electronic identification means and relevant trust services as set out in Regulation (EU) 910/2014;	interconnecting the centralised automated mechanisms, including the authentication of users through the use of electronic identification means and relevant trust services as set out in Regulation (EU) 910/2014;	interconnecting the centralised automated mechanisms, including the authentication of users through the use of electronic identification means and relevant trust services as set out in Regulation (EU) 910/2014;	interconnecting the centralised automated mechanisms, including the authentication of users through the use of electronic identification means and relevant trust services as set out in Regulation (EU) 910/2014; Text Origin: Commission Proposal
Article 15(2), first subparagraph, point (f)				
271	(f) the technical conditions of availability of services provided by the single access point interconnecting the centralised automated mechanisms.	(f) the technical conditions of availability of services provided by the single access point interconnecting the centralised automated mechanisms.	(f) the technical conditions of availability of services provided by the single access point interconnecting the centralised automated mechanisms.	(f) the technical conditions of availability of services provided by the single access point interconnecting the centralised automated mechanisms. Text Origin: Commission Proposal
Article 15(2), second subparagraph				
272	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2). Text Origin: Commission Proposal
Article 15(3)				
273	3. When adopting the implementing acts referred to in paragraphs 1 and 2, the Commission shall take into	3. When adopting the implementing acts referred to in paragraphs 1 and 2, the Commission shall take into	3. When adopting the implementing acts referred to in paragraphs 1 and 2, the Commission shall take into	3. When adopting the implementing acts referred to in paragraphs 1 and 2, the Commission shall take into

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	account proven technology and existing practices. The Commission shall ensure that the single access point to be developed and operated does not incur costs above what is absolutely necessary in order to implement this Directive.	account proven technology and existing practices. The Commission shall ensure that the single access point to be developed and operated does not incur costs above what is absolutely necessary in order to implement this Directive.	account proven technology and existing practices. The Commission shall ensure that the single access point to be developed and operated does not incur costs above what is absolutely necessary in order to implement this Directive.	account proven technology and existing practices. The Commission shall ensure that the single access point to be developed and operated does not incur costs above what is absolutely necessary in order to implement this Directive. Text Origin: Commission Proposal
Section 3				
274	Section 3 Real estate registers	Section 3 Real estate registers	Section 3 <u>Access for competent authorities to information on land and real estate registers and certain goods</u>	
Article 16				
275	Article 16 Real estate registers	Article 16 Real estate registers	Article 16 <u>Access to land and real estate registers information</u>	
Article 16(1), first subparagraph				
276	1. Member States shall provide competent authorities with access to information which allows the identification in a timely manner of any natural or legal person owning real estate, including through registers or electronic data retrieval systems where such registers or	1. Member States shall provide competent authorities with access to information which allows the identification in a timely manner of any natural or legal person owning real estate, including through registers or electronic data retrieval systems where such registers or	1. Member States shall provide competent authorities with access <u>via a single access point in each Member State</u> to information which allows the identification in a timely manner of any natural or legal person owning <u>land or</u> real estate; <u>including. Access shall be granted</u>	CONS to revert EP to revert For Political level TM16 of 16102023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	systems are available. Competent authorities shall also have access to information allowing the identification and analysis of transactions involving real estate, including their economic value and details of the natural or legal persons involved in those transactions including, where available, whether the natural or legal person owns, sells or acquires real estate on behalf of a legal arrangement.	systems are available. Competent authorities shall also have access to information allowing the identification and analysis of transactions involving real estate, including their economic value and details of the natural or legal persons involved in those transactions including, where available, whether the natural or legal person owns, sells or acquires real estate on behalf of a legal arrangement.	through <u>public</u> registers or electronic data retrieval systems, <u>provided that interoperability can be ensured</u> . Where ~~such registers or systems~~ <u>are real estate is owned by a legal person or arrangement, the information on the beneficial owner shall be</u> available, <u>either directly in the register or retrieval system, or in the beneficial ownership register referred to in Article 10, including where the legal person is a foreign legal entity or arrangement, as required under Article 48 of Regulation ... [please insert reference to Anti-Money Laundering Regulation - 2021/0239(COD)]</u> . Competent authorities <u>other than FIUs</u> shall also have <u>timely</u> access to information allowing the identification and analysis of transactions involving <u>land or</u> real estate, including their economic value, <u>the source of funds and the</u> ~~and~~ details of the natural or legal persons involved in those transactions including, ~~where available,~~ whether the natural or legal person owns, sells or acquires <u>land or</u> real estate on behalf of a legal arrangement.	
Article 16(1), second subparagraph				
277	FIUs shall be granted direct and	~~FIUs~~ <u>The FIU</u> shall be granted	FIUs <u>and AMLA</u> shall be granted	

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	immediate access to the information referred to in the first subparagraph.	direct, <u>unfiltered</u> and immediate access to the information referred to in the first subparagraph.	direct, <u>immediate, unrestricted and free</u> ~~and immediate~~ access to the information referred to in the first subparagraph.	
Article 16(2)				
278	2. By [3 months after the date of transposition of this Directive], Member States shall notify to the Commission the list of competent authorities that were granted access to the registers or systems referred to in paragraph 1 and the type of information available to them. Member States shall update such notification when changes to the list of competent authorities or to the extent of access to information granted occurs. The Commission shall make that information, including any change to it, available to the other Member States.	2. By <u>[3 months after the date of transposition of this Directive]</u> ~~[3 months after the date of transposition of this Directive]~~ , Member States shall notify to the Commission the list of competent authorities that were granted access to the registers or systems referred to in paragraph 1 and the type of information available to them. Member States shall update such notification when changes to the list of competent authorities or to the extent of access to information granted occurs. The Commission shall make that information, including any change to it, available to the other Member States.	2. By [3 months after the date of transposition of this Directive], Member States shall notify to the Commission the list of competent authorities that were granted access to the registers or systems referred to in paragraph 1 and the type of information available to them. Member States shall update such notification when changes to the list of competent authorities or to the extent of access to information granted occurs. The Commission shall make that information, including any change to it, available to the other Member States.	
Article 16(2a)				
278a			<u>2a. By ... [three years after the date of transposition of this Directive], Member States shall ensure that information referred to in paragraph 1 is held in a register or electronic data retrieval system in machine-readable format. That</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>information may be collected using national systems.</u>	
Article 16a				
278b			<u>Article 16a</u> <u>Implementing act for the interconnection of land and real estate single access point</u> <u>1. The Member States' single access points referred to in Article 16(1) shall be interconnected via the European real estate data single access point (E-RED) to be developed and operated by the Commission by ... [four years after the date of entry into force of this Directive]</u> <u>2. The Commission is empowered to adopt, by means of implementing acts, technical specifications and procedures necessary to provide for the interconnection of Member States' single access point via E-RED in accordance with Article 16 with regard to:</u> <u>(a) the technical data necessary for the E-RED system to perform its functions and the method of storage, use and protection of that technical data;</u> <u>(b) the common criteria according to which land and real estate information shall be</u>	COM to provide background information on the current initiatives with regard to interconnection/interoperability of Real estate registers CONS to revert For Political level TM16 of 16.10.2023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>available through the system of interconnection of registers and retrieval systems;</u> <u>(c) the technical details on how land and real estate information shall be made available;</u> <u>(d) the technical conditions of availability of services provided by the system of interconnection of registers and retrieval systems;</u> <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).</u> <u>3. When adopting the implementing acts referred to in paragraph 2, the Commission shall take into account proven technology and existing practices. The Commission shall ensure that the system required to be developed and operated for the interconnection does not incur costs above what is absolutely necessary in order to implement this Directive.</u>	
CHAPTER III				
279	CHAPTER III FIUs	CHAPTER III FIUs	CHAPTER III FIUs	CHAPTER III FIUs Text Origin: Commission Proposal
Chapter IIIa				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
279a			<u>Chapter IIIa</u> <u>Access for competent authorities to information on certain goods</u>	
Article 16b				
279b			<u>Article 16b</u> <u>Access to beneficial ownership information of motor vehicles, aircrafts and watercrafts</u> <u>1. Member States shall provide competent authorities with timely access to information which allows the identification of any natural person or the beneficial owner of any legal person owning motor vehicles, aircrafts or watercrafts whose estimated value is above EUR 200 000 or the equivalent in national currency.</u> <u>2. Member States shall ensure that information referred to in paragraph 1 is available to competent authorities, either through registers or electronic data retrieval systems, where such registers or systems are available, or through other systems which are deemed as efficient, and that ensure that the data is available in a machine-readable and interoperable format.</u> <u>FIUs and AMLA shall be granted direct and immediate access to the information referred to in</u>	CONS to revert For Political level EP to revert TM16 16102023

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 242/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>paragraph 1 for the purpose of the prevention and combating of money laundering, any of its associated predicate offences or terrorist financing.</u> <u>3. Member States shall ensure that where the value of motor vehicles, aircrafts or watercrafts is stated or estimated above EUR 2 000 000 EUR or the equivalent in national currency, information set out in the purchase contract or other proof of transaction, including at least the identification of all parties involved in the transaction, the means of payment and the source of funds, is included and available as part of the information referred to in paragraph 1 and can be provided to competent authorities and AMLA without delay, when requested by retrieval systems, or other systems provided by Member States under paragraph 2.</u> <u>4. Where motor vehicles, aircrafts or watercrafts are owned by a legal person or arrangement, information on the beneficial owner shall be available, either directly in the registers or systems referred to in paragraph 2, or in the beneficial ownership register referred to in Article 10, including where the legal person is a foreign legal entity or arrangement, as required under Article 48 of Regulation ... [please</u>	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 243/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>insert reference to Anti-Money Laundering Regulation - 2021/0239 (COD)].</u> <u>5. By ... [three months after the date of transposition of this Directive], the Member States shall provide the Commission with a list of the competent authorities that have been granted access to the registers or systems referred to in paragraph 2 and the type of information available to them. Member States shall update the list provided to the Commission when there are changes to the competent authorities granted access or to the type of information available. The Commission shall make that information, including any change to it, available to the other Member States.</u>	
Article 16c				
279c			<u>Article 16c</u> <u>Access to information on goods in freezones</u> <u>1. Member States shall provide competent authorities with access via a single access point in each Member State to information which allows the identification in a timely manner of any natural, legal person or legal arrangement owning any tangible movable good stored, traded or transiting in a free</u>	AMLR related TM16 16102023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>zone or customs warehouse in the Union, through either registers or electronic data retrieval systems, provided that interoperability can be ensured. Where those goods are owned by a legal person or arrangement, information on the beneficial owner shall be available, either directly in those registers or retrieval systems, or in the beneficial ownership register referred to in Article 10, including where the legal person is a foreign legal entity or arrangement, as required under Article 48 of Regulation ... [please insert reference to Anti-Money Laundering Regulation- 2021/0239 (COD)].</u> <u>2. By ... [three years after the date of transposition of this Directive], the Member States shall ensure that the information referred to in paragraph 1 is held in a register or electronic data retrieval system in machine-readable format. That information may be collected using with national systems.</u> <u>3. By ... [three months after the date of transposition of this Directive], Member States shall provide the Commission a list of the competent authorities that have been granted access to the registers or systems referred to in paragraph 1 and the type of information</u>	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 245/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>available to them. Member States shall update the list provided to the Commission when there are changes to the competent authorities granted access or to the type of information available. The Commission shall make that information, including any change to it, available to the other Member States.</u> <u>4. Member States shall ensure that the information referred to in paragraph 1 is directly accessible in an immediate and unfiltered manner to national FIUs and AMLA for the purpose of the prevention and combating of money laundering, any of its associated predicate offences or terrorist financing. The information shall also be accessible in a timely manner to national competent authorities for fulfilling their obligations under this Directive and Regulation ... [add reference to AML Regulation - 2021/0239 (COD)].</u> <u>5. By ... [one year after the date of transposition of this Directive] the Member States' single access points referred to in paragraph 1 shall be interconnected via the free zone goods' information single access point (FZGI) to be developed and operated by the Commission.</u> <u>6. Member States shall</u>	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 246/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>ensure that the information referred to in paragraph 1 is available through FZGI. Member States shall ensure that the information referred to in paragraph 1 is up to date and that information is made available through their national single access points and through FZGI. Member States shall ensure that the historical information on goods is made available through their national single access points and through FZGI for a maximum period of five years after the end of the storing, transiting or trading.</u> <u>7. National FIUs shall be granted immediate and unfiltered access to the information referred to in paragraph 1 in other Member States through FZGI. National competent authorities shall be granted access in a timely manner to that information in other Member States through FZGI. Member States shall cooperate among themselves and with the Commission in order to implement this paragraph.</u>	
Article 17				
280	Article 17 Establishment of FIUs	Article 17 Establishment of ~~FIUs~~ <u>the FIU</u>	Article 17 Establishment of FIUs	Article 17 Establishment of ~~FIUs~~ <u>the FIU</u> Text Origin: Council Mandate

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				TM10 of 18092023
Article 17(1)				
281	1. Each Member State shall establish an FIU in order to prevent, detect and effectively combat money laundering and terrorist financing.	1. Each Member State shall establish an FIU in order to prevent, detect and effectively combat money laundering and terrorist financing.	1. Each Member State shall establish an FIU in order to prevent, detect, <u>report</u> and effectively combat money laundering and terrorist financing.	1. Each Member State shall establish an FIU in order to prevent, detect and effectively combat money laundering and terrorist financing. Text Origin: Commission Proposal TM10 of 18092023
Article 17(2)				
282	2. The FIU shall be the single central national unit responsible for receiving and analysing suspicious transactions and other information relevant to money laundering, its predicate offences or terrorist financing submitted by obliged entities in accordance with Article 50 or reports submitted by obliged entities in accordance with Article 59(4), point (b), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and by customs authorities pursuant to Article 9 of Regulation (EU) 2018/1672.	2. The FIU shall be the single central national unit responsible for receiving and analysing suspicious transactions ~~and other information relevant to money laundering, its predicate offences or terrorist financing~~ <u>reports</u> submitted by obliged entities in accordance with Article 50 or reports submitted by obliged entities in accordance with Article 59(4), point (b), <u>where applicable,</u> of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and other information relevant to money laundering, its predicate offences or terrorist financing</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and by~~	2. The FIU shall be the single central national unit responsible for receiving and analysing suspicious transactions and other information relevant to money laundering, its predicate offences or terrorist financing submitted by obliged entities in accordance with Article 50 or reports submitted by obliged entities in accordance with Article 59(4), point (b), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and <u>other information relevant to money laundering, its predicate offences or terrorist financing, as well as information</u> by customs authorities pursuant to Article 9 of Regulation (EU) 2018/1672.	2. The FIU shall be the single central national unit responsible for receiving and analysing ~~suspicious transactions and other information relevant to money laundering, its predicate offences or terrorist financing~~ <u>reports</u> submitted by obliged entities in accordance with Article 50 <u>[or reports submitted by obliged entities in accordance with Article 59(4), point (b), where applicable,]</u> of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and other information relevant to money laundering, its predicate offences or terrorist financing, [including information]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation –~~

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<i>customs authorities pursuant to Article 9 of Regulation (EU) 2018/1672.</i>		~~COM/2021/420 final~~] and by customs authorities pursuant to Article 9 of Regulation (EU) 2018/1672.] outcome depends on provisions in article 59(4) AMLR AMLR related EC to revert EP to revert CONS to revert Text Origin: Council Mandate
Article 17(2a)				
282a			<u>2a. FIUs shall participate in, and contribute to, the activities of the Support and Coordination Mechanism of FIUs, in accordance with Regulation ... [please insert reference to the AMLA Regulation-2021/0240 (COD)]. The FIUs shall cooperate effectively with AMLA in accordance with Article 22a of this Directive.</u>	<u>2a. - (deleted)</u> covered in article 47 - to be beefed up with regard to active participation of FIUs and supervisors with regard to AMLA. TM10 of 18092023
Article 17(3), first subparagraph				
283	3. The FIU shall be responsible for disseminating the results of its analyses and any additional relevant information to other competent authorities where there are grounds to suspect money laundering, its predicate offences or terrorist	3. The FIU shall be responsible for disseminating the results of its analyses and any additional relevant information to ~~other~~ <u>relevant</u> competent authorities where there are grounds to suspect money laundering, its predicate offences or	3. The FIU shall be responsible for disseminating the results of its analyses and any additional relevant information to other competent authorities where there are grounds to suspect money laundering, its predicate offences or terrorist	3. The FIU shall be responsible for disseminating the results of its analyses and any additional ~~relevant~~ information to ~~other~~ <u>relevant</u> competent authorities where there are grounds to suspect money laundering, its predicate offences or

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	financing. It shall be able to obtain additional information from obliged entities.	terrorist financing. It shall be able to obtain additional information from obliged entities. <u>Secure and protected channels should be used for the dissemination.</u>	financing. It shall be able to obtain additional information from obliged entities.	terrorist financing. It shall be able to obtain additional information from obliged entities. EC to clarify issue of "competent authorities" in the recital EC to revert Text Origin: Commission Proposal TM10 of 18092023
Article 17(3), second subparagraph				
284	The FIU's financial analysis function shall consist of the following:	The FIU's financial analysis function shall consist of the following:	The FIU's financial analysis function shall consist of the following:	The FIU's financial analysis function shall consist of the following: Text Origin: Commission Proposal
Article 17(3), second subparagraph, point (a)				
285	(a) an operational analysis which focuses on individual cases and specific targets or on appropriate selected information, depending on the type and volume of the disclosures received and the expected use of the information after dissemination;	(a) an operational analysis which focuses on individual cases and specific targets or on appropriate selected information, depending on the type and volume of the disclosures received and the expected use of the information after dissemination <u>and taking risks into consideration;</u>	(a) an operational analysis which focuses on individual cases and specific targets or on appropriate selected information, depending on the type and volume of the disclosures received and the expected use of the information after dissemination;	(a) an operational analysis which focuses on individual cases and specific targets or on appropriate selected information, ~~depending on~~ <u>prioritized on the basis of risks facing the Member States or the Union,</u> the type and volume of the disclosures received and the expected use of the information after dissemination; CONS to revert Text Origin: Commission

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Proposal TM10 of 18092023
Article 17(3), second subparagraph, point (b)				
286	(b) a strategic analysis addressing money laundering and terrorist financing trends and patterns.	(b) a strategic analysis addressing money laundering and terrorist financing trends and patterns.	(b) a <u>continuous</u> strategic analysis addressing money laundering and terrorist financing trends and patterns.	(b) a strategic analysis addressing money laundering and terrorist financing trends and patterns <u>and evolutions thereof</u> . Text Origin: Commission Proposal TM10 of 18092023
Article 17(3), third subparagraph				
287	By [1 year after the date of transposition of this Directive], AMLA shall issue guidelines addressed to FIUs on the nature, features and objectives of operational and of strategic analysis.	By <u>[1 year after the date of transposition of this Directive]</u> ~~[1 year after the date of transposition of this Directive]~~ , AMLA shall issue guidelines addressed to FIUs on the nature, features and objectives of operational and of strategic analysis.	<u>By ...By [1 year two years after the date of transposition entry into force of this Directive]</u> , AMLA shall issue guidelines addressed to FIUs on the nature, features and objectives of operational and of strategic analysis <u>and, in particular, on the need to further provide that analysis to the competent authorities responsible for combating money laundering, related predicate offences and terrorist financing.</u>	~~By [1 year after the date of transposition of this Directive], AMLA shall issue guidelines addressed to FIUs on the nature, features and objectives of operational and of strategic analysis. - (deleted)~~ For horizontal meeting: First element to be discussed together with deadlines in general. Moved to line 292b based on COM proposal following TM10 of 18.09.2023 EP to revert Horizontal topic TM10 of 18092023 TM11 of 19092023
Article 17(4), first subparagraph				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
288	4. Each FIU shall be operationally independent and autonomous, which means that it shall have the authority and capacity to carry out its functions freely, including the ability to take autonomous decisions to analyse, request and disseminate specific information. It shall be free from any undue political, government or industry influence or interference.	4. Each FIU shall be operationally independent and autonomous, which means that it shall have the authority and capacity to carry out its functions freely, including the ability to take autonomous decisions to analyse, request and disseminate specific information. It shall be free from any undue political, government or industry influence or interference.	4. Each FIU shall be operationally independent and autonomous, which means that it shall have the authority and capacity to carry out its functions freely, including the ability to take autonomous decisions to analyse, request and, <u>in accordance with paragraph 3</u> , disseminate specific information <u>in accordance with applicable Union law</u> . It shall be free from any undue political, government or industry influence or interference.	EP to revert TM10 of 18092023

Article 17(4), second subparagraph

289	When a FIU is located within the existing structure of another authority, the FIU's core functions shall be independent and operationally separated from the other functions of the host authority.	When a FIU is located within the existing structure of another authority, the FIU's core functions shall be independent and operationally separated from the other functions of the host authority.	When a FIU is located within the existing structure of another authority, the FIU's core functions shall be independent and operationally separated from the other functions of the host authority.	When a FIU is located within the existing structure of another authority, the FIU's core functions shall be independent and operationally separated from the other functions of the host authority. Text Origin: Commission Proposal

Article 17(5)

290	5. Member States shall provide their FIUs with adequate financial, human and technical resources in order to fulfil their tasks. FIUs shall be able to obtain and deploy the resources needed to carry out their functions.	5. Member States shall provide their FIUs with adequate financial, human and technical resources in order to fulfil their tasks. FIUs shall be able to obtain and deploy the resources needed to carry out their functions.	5. Member States shall provide their FIUs with adequate financial, human and technical resources in order to fulfil their tasks. FIUs shall be able to obtain and deploy the resources needed to carry out their functions.	5. Member States shall provide their FIUs with adequate financial, human and technical resources in order to fulfil their tasks. FIUs shall be able to obtain and deploy the resources needed to carry out their functions.

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Their staff shall be of high integrity and appropriately skilled, and maintain high professional standards.	Their staff shall be of high integrity and appropriately skilled, and maintain high professional standards, <u>including high professional standards of confidentiality and data protection.</u>	~~Their staff shall be of high integrity and appropriately skilled, and maintain high professional standards.~~	~~Their staff shall be of high integrity and appropriately skilled, and maintain high professional standards.~~ Text Origin: EP Mandate TM10 of 18092023
Article 17(5a)				
290a			<u>5a. Member States shall ensure that the staff of their FIUs maintain high professional standards, including high professional standards of confidentiality and data protection, and be of high integrity and appropriately skilled, including in detecting biases in, and in the ethical use of, big data sets. The staff of FIUs shall not be placed in a situation in which a conflict of interest exists or could be perceived to exist. AMLA shall adopt guidelines to specify the circumstances in which such a conflict of interest exists or could be perceived to exist.</u>	<u>5a. Member States shall ensure that the staff of their FIUs maintain high professional standards, including high professional standards of confidentiality and data protection, and be of high integrity and appropriately skilled, including in situations where big data sets are used, detecting possible biases in their use, and ensuring ethical use of big data sets]. Member States shall ensure that FIUs have in place procedures to prevent and manage conflicts of interest.</u> COM to propose drafting covering mandate for guidelines specifying existence of conflicts of interest. EP to revert on wording concerning big data and ethical use of big data / artificial intelligence EC to revert EP to revert Text Origin: EP Mandate

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				TM10 of 18092023
Article 17(6)				
291	6. Member States shall ensure that FIUs have rules in place governing the security and confidentiality of information.	6. Member States shall ensure that FIUs have rules in place governing the security and confidentiality of information.	6. Member States shall ensure that FIUs have rules in place governing the security and <u>protection of personal data and confidentiality of information, including when disseminating information under paragraph 3.</u>	6. Member States shall ensure that FIUs have rules in place governing the security and confidentiality of information <u>[, including when disseminating information under paragraph 3].</u> <u>FIUs shall have in place secure and protected channels of communication.</u> EP to revert Text Origin: Commission Proposal TM10 of 1092023
Article 17(7)				
292	7. Each Member States shall ensure that its FIU is able to make arrangements or engage independently with other domestic competent authorities pursuant to Article 45 on the exchange of information.	7. Each Member States shall ensure that its FIU is able to make arrangements or engage independently with other domestic competent authorities pursuant to Article 45 on the exchange of information.	7. Each Member ~~States~~ <u>State</u> shall ensure that its FIU is able to make arrangements or engage independently with other domestic competent authorities pursuant to Article 45 on the exchange of information.	7. Each Member ~~States~~ <u>State</u> shall ensure that its FIU is able to make arrangements or engage independently with other domestic competent authorities pursuant to Article 45 on the exchange of information. Text Origin: EP Mandate TM10 of 18092023
Article 17(7a)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
292a			<u>7a. AMLA shall coordinate the organisation of periodical peer reviews of FIUs for the purpose of assessing whether the requirements set out in this Article have been fulfilled, including having adequate financial, human and technical resources, in accordance with article 37a of Regulation ... [please insert reference to AMLA Regulation - 2021/0240 (COD)]. Where a peer review indicates substantial shortcomings in the operation of an FIU, AMLA shall issue recommendations to the FIU and the Member State concerned to address the shortcomings identified. The recommendations shall be transmitted to the European Parliament, the Council and the Commission.</u>	<u>7a. (deleted)</u> Agreement to cover this in AMLAR. EC tasked to make drafting proposals in AMLAR on FIU peer review. AMLAR related Horizontal topic TM10 of 18092023 horizontal ITM of 10/10/2023
Article 17(7b)				
292b				<u>7b. By [1 year after the date of transposition of this Directive], AMLA shall issue guidelines addressed to FIUs on:</u> <u>(a) the measures to be put in place to preserve the operational autonomy and independence of the FIU, including measures to prevent that conflicts of interest affect its operational autonomy and</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				<u>independence, and</u> <u>(b) the nature, features and objectives of operational and of strategic analysis.</u> Moved from line 287 based on COM proposal following TM10 of 18092023 TM11 of 19092023
Article 17a				
292c			<u>Article 17a</u> <u>Fundamental Rights Officer</u> <u>1. Every FIU shall designate a Fundamental Rights Officer. The Fundamental Rights Officer may be a member of the existing staff of the FIU who received special training in fundamental rights law and practice.</u> <u>2. The Fundamental Rights Officer shall perform the following tasks:</u> <u>(a) advise the FIU where he or she deems it necessary, or on request, on activities of the FIU, which have impact on fundamental rights, without impeding or delaying those activities;</u> <u>(b) support the FIU's staff in ensuring compliance with fundamental rights;</u> <u>(c) provide non-binding</u>	CONS to revert TM10 of 18092023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>opinions on working arrangements relevant to his or her field of competence, with the view to enhance the FIU's compliance with fundamental rights;</u> <u>(d) inform the management about possible violations of fundamental rights in the course of the FIU's activities;</u> <u>(e) promote the FIU's respect of fundamental rights in the performance of its tasks and activities.</u> <u>3. The FIU shall ensure that the Fundamental Rights Officer does not receive any instructions regarding the exercise of his or her tasks. This should not prevent the Fundamental Rights Officer from seeking guidance from relevant actors on the performance of his or her tasks where he or she deems it necessary.</u> <u>4. The Fundamental Rights Officer shall report directly to the management of the FIU.</u>	
Article 18				
293	Article 18 Access to information	Article 18 Access to information	Article 18 Access to information	Article 18 Access to information Text Origin: Commission Proposal
Article 18(1), first subparagraph				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
294	1. Member States shall ensure that their FIUs have:	1. Member States shall ensure that their FIUs, <u>regardless of the organizational status, have access, in a timely manner, to the information that they require to fulfil their tasks properly. This shall include financial, administrative and law enforcement information. Member States shall ensure that their FIUs have at least</u> ~~have~~ :	1. <u>Member States shall ensure that FIUs, regardless of their organisational status, have access to the information that they require to fulfil their tasks properly, including financial, administrative and law enforcement information.</u> Member States shall ensure that their FIUs have <u>at least</u> :	1. <u>Member States shall ensure that FIUs, regardless of their organisational status, have access to the information that they require to fulfil their tasks properly, including financial, administrative and law enforcement information.</u> Member States shall ensure that their FIUs have <u>at least</u> : Text Origin: EP Mandate TM10 18092023
Article 18(1), first subparagraph, point (a)				
295	(a) immediate and, with the exception of point (ii), direct access to at least the following financial information:	(a) immediate, <u>unfiltered</u> and, with the exception of point (ii), direct access to at least the following financial information:	(a) immediate and, ~~with the exception of point (ii)~~ , direct access to ~~at least~~ the following financial information:	(a) ~~immediate and, with the exception of point (ii)~~ , <u>unfiltered</u> and direct access to ~~at least~~ the following financial information: EC to revert Text Origin: EP Mandate TM10 of 18092023
Article 18(1), first subparagraph, point (a)(i)				
296	(i) information contained in the national centralised automated mechanisms in accordance with Article 14;	(i) information contained in the national centralised automated mechanisms in accordance with Article 14;	(i) information contained in the national centralised automated mechanisms in accordance with Article 14;	(i) information contained in the national centralised automated mechanisms in accordance with Article 14; Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 18(1), first subparagraph, point (a)(ii)				
297	(ii) information on wire transfers;	(ii) information on wire transfers;	~~(ii) information on wire transfers;~~	(ii) ~~information on wire transfers;~~ <u>transfers of funds</u> EC to revert TM10 of 18092023
Article 18(1), first subparagraph, point (a)(iii)				
298	(iii) information from obliged entities;	(iii) ~~information from obliged entities;~~ Deleted	(iii) information from obliged entities, <u>including information on wire transfers;</u>	COM to revert with regard to information if SWIFT is obliged entity EC to revert Text Origin: EP Mandate TM10 of 18092023
Article 18(1), first subparagraph, point (a)(iv)				
299	(iv) information on mortgages and loans;	(iv) information on mortgages and loans;	(iv) information on mortgages and loans;	(iv) information on mortgages and loans; Text Origin: Commission Proposal
Article 18(1), first subparagraph, point (a)(v)				
300	(v) information contained in the national currency and currency exchange databases;	(v) information contained in the national currency and currency exchange databases;	(v) information contained in the national currency and currency exchange databases;	(v) information contained in the national currency and currency exchange databases; Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 18(1), first subparagraph, point (a)(vi)			
301	(vi) information on securities;	(vi) information on securities;	(vi) information on securities;	(vi) information on securities; Text Origin: Commission Proposal
	Article 18(1), first subparagraph, point (b)			
302	(b) immediate and, with the exception of point (xiv), direct access to at least the following administrative information:	(b) immediate, <u>with the exception of point (v) unfiltered</u> and, with the exception of point <u>(i), (v), ~~(xiv)~~</u> , <u>(xiv) and (xx)</u> direct access to at least the following administrative information:	(b) immediate and, with the exception of ~~point~~ <u>points (ia) and</u> (xiv), direct access to at least the following administrative information:	(b) immediate, <u>with the exception of point (v) unfiltered</u> and, with the exception of point <u>[(i)], (v), [(ix)], (xiv) and (xx/xixa)]~~(xiv)~~</u> , direct access to at least the following administrative information: COM to propose a recital specifying what is meant by direct access and clarification concerning point xiv EC to revert Text Origin: Council Mandate TM10 of 18092023
	Article 18(1), first subparagraph, point (ba)			
302a			<u>(ba) information referred to in Article 8(3a) of Council Directive 2011/16/EU^{1a};</u> <u>^{1a} Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the</u>	<u>(ba) (deleted)</u> Covered in line 303 COM to check if tax data can be used from FIUs

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			field of taxation and repealing Directive 77/799/EEC (OJ L 064 11.3.2011, p. 1).	EC to revert TM10 of 18092023
Article 18(1), first subparagraph, point (b)(i)				
303	(i) fiscal data, including data held by tax and revenue authorities;	(i) fiscal data, including data held by tax and revenue authorities;	(i) fiscal data, including data held by tax and revenue authorities;	(i) fiscal data, including data held by tax and revenue authorities or data obtained pursuant to article 8(3a) of Council Directive 2011/16/EU¹ ; 1. Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (OJ L 064 11.3.2011, p. 1). EC to revert Text Origin: Commission Proposal TM10 of 18092023
Article 18(1), first subparagraph, point (b)(i)(i)				
303a			(i) the information referred to in Articles 16b and 16c ;	
Article 18(1), first subparagraph, point (b)(ia)				
303b			(ii) information on public procurements or contracts	(ia) information on public procurements for goods, services or concessions; linked to discussion on definition of

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				direct access CONS to revert Text Origin: EP Mandate
Article 18(1), first subparagraph, point (b)(ii)				
304	(ii) national real estate registers or electronic data retrieval systems and land and cadastral registers;	(ii) national real estate registers or electronic data retrieval systems and land and cadastral registers;	(ii) <u>the information from the single access point as referred to in article 16 relating to</u> national real estate registers, <u>land registers</u> or electronic data retrieval systems and land and cadastral registers;	To be discussed together with Article 16 - RED single access point
Article 18(1), first subparagraph, point (b)(iii)				
305	(iii) national citizenship and population registers of natural persons;	(iii) national citizenship and population registers of natural persons;	(iii) national citizenship and population registers of natural persons;	(iii) national citizenship and population registers of natural persons; Text Origin: Commission Proposal
Article 18(1), first subparagraph, point (b)(iv)				
306	(iv) national passports and visas registers;	(iv) national passports and visas registers;	(iv) national passports and visas registers;	(iv) national passports and visas registers; Text Origin: Commission Proposal
Article 18(1), first subparagraph, point (b)(v)				
307	(v) cross-border travel databases;	(v) cross-border travel databases;	(v) cross-border travel databases;	(v) cross-border travel databases;

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 18(1), first subparagraph, point (b)(vi)				
308	(vi) commercial databases, including business and company registers and PEP databases;	(vi) commercial databases, including business and company registers and PEP databases;	(vi) commercial databases, including business and company registers and PEP databases;	(vi) commercial databases, including business and company registers and PEP databases; Text Origin: Commission Proposal
Article 18(1), first subparagraph, point (b)(vii)				
309	(vii) national motor vehicles, aircraft and watercraft registers;	(vii) national motor vehicles, aircraft and watercraft registers;	(vii) national motor vehicles, aircraft and watercraft registers;	(vii) national motor vehicles, aircraft and watercraft registers; Text Origin: Commission Proposal
Article 18(1), first subparagraph, point (b)(viii)				
310	(viii) national social security registers;	(viii) national social security registers;	(viii) national social security registers;	(viii) national social security registers; Text Origin: Commission Proposal
Article 18(1), first subparagraph, point (b)(ix)				
311	(ix) customs data, including cross-border physical transfers of cash;	(ix) customs data, including cross-border physical transfers of cash;	(ix) customs data, including cross-border physical transfers of cash;	(ix) customs data, including cross-border physical transfers of cash; Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 18(1), first subparagraph, point (b)(x)			
312	(x) national weapons and arms registers;	(x) national weapons and arms registers;	(x) national weapons and arms registers;	(x) national weapons and arms registers; Text Origin: Commission Proposal
	Article 18(1), first subparagraph, point (b)(xi)			
313	(xi) national beneficial ownership registers;	(xi) national beneficial ownership registers;	(xi) national beneficial ownership registers;	(xi) national beneficial ownership registers; Text Origin: Commission Proposal
	Article 18(1), first subparagraph, point (b)(xii)			
314	(xii) data available through the interconnection of beneficial ownership registers in accordance with Article 10(11).	(xii) data available through the interconnection of beneficial ownership registers in accordance with Article 10(11).	(xii) data available through the interconnection of beneficial ownership registers in accordance with Article 10(11).	(xii) data available through the interconnection of beneficial ownership registers in accordance with Article 10(11). Text Origin: Commission Proposal
	Article 18(1), first subparagraph, point (b)(xiii)			
315	(xiii) registers on non-profit organisations;	(xiii) registers on non-profit organisations;	(xiii) registers on non-profit organisations;	(xiii) registers on non-profit organisations; Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 18(1), first subparagraph, point (b)(xiv)				
316	(xiv) information held by national financial supervisors and regulators, in accordance with Article 45 and Article 50(2);	(xiv) information held by national financial supervisors and regulators, in accordance with Article 45 and Article 50(2);	(xiv) information held by national financial supervisors and regulators, in accordance with Article 45 and Article 50(2);	(xiv) information held by national financial supervisors and regulators, in accordance with Article 45 and Article 50(2); Text Origin: Commission Proposal
Article 18(1), first subparagraph, point (b)(xv)				
317	(xv) databases storing data on CO ₂ emission trading established pursuant to Commission Regulation (EU) 389/2013 ¹ . 1. Commission Regulation (EU) No 389/2013 of 2 May 2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011 (OJ L 122, 3.5.2013, p.1-59).	(xv) databases storing data on ~~CO₂~~ CO ₂ emission trading established pursuant to Commission Regulation (EU) 389/2013 ¹ . 1. Commission Regulation (EU) No 389/2013 of 2 May 2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011 (OJ L 122, 3.5.2013, p.1-59).	(xv) databases storing data on CO ₂ emission trading established pursuant to Commission Regulation (EU) 389/2013 ¹ . 1. Commission Regulation (EU) No 389/2013 of 2 May 2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011 (OJ L 122, 3.5.2013, p.1-59).	(xv) databases storing data on CO ₂ emission trading established pursuant to Commission Regulation (EU) 389/2013 ¹ . 1. Commission Regulation (EU) No 389/2013 of 2 May 2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011 (OJ L 122, 3.5.2013, p.1-59). Text Origin: Commission Proposal
Article 18(1), first subparagraph, point (b)(xvi)				
318	(xvi) information on annual financial statements by companies;	(xvi) information on annual financial statements by companies;	(xvi) information on annual financial statements by companies;	(xvi) information on annual financial statements by companies; Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 18(1), first subparagraph, point (b)(xvii)			
319	(xvii) national migration/immigration registers;	(xvii) national migration/immigration registers;	(xvii) national migration/immigration registers;	(xvii) national migration/immigration registers; Text Origin: Commission Proposal
	Article 18(1), first subparagraph, point (b)(xviii)			
320	(xviii) information held by commercial courts;	(xviii) information held by commercial courts;	(xviii) information held by commercial courts;	(xviii) information held by commercial courts; Text Origin: Commission Proposal
	Article 18(1), first subparagraph, point (b)(xix)			
321	(xix) information held in insolvency databases and by insolvency practitioners;	(xix) information held in insolvency databases ~~and by insolvency practitioners;~~	(xix) information held in insolvency databases and by insolvency practitioners;	
	Article 18(1), first subparagraph, point (b)(xixa)			
321a		<u>(xixa) information held by insolvency practitioners</u>		
	Article 18(1), first subparagraph, point (c)			
322	(c) direct or indirect access to the following law enforcement information:	(c) <u>unfiltered</u> , direct or indirect access to the following law enforcement information:	(c) direct or indirect access to the following law enforcement information:	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 18(1), first subparagraph, point (c)(i)				
323	(i) any type of information or data which is already held by competent authorities in the context of preventing, detecting, investigating or prosecuting criminal offences;	(i) any type of information or data which is already held by competent authorities in the context of preventing, detecting, investigating or prosecuting criminal offences;	(i) any type of information or data which is already held by competent authorities in the context of preventing, detecting, investigating or prosecuting criminal offences;	(i) any type of information or data which is already held by competent authorities in the context of preventing, detecting, investigating or prosecuting criminal offences; Text Origin: Commission Proposal
Article 18(1), first subparagraph, point (c)(ii)				
324	(ii) any type of information or data which is held by public authorities or by private entities in the context of preventing, detecting, investigating or prosecuting criminal offences and which is available to competent authorities without the taking of coercive measures under national law.	(ii) any type of information or data which is held by public authorities or by private entities in the context of preventing, detecting, investigating or prosecuting criminal offences and which is available to competent authorities without the taking of coercive measures under national law.	(ii) any type of information or data which is held by public authorities or by private entities in the context of preventing, detecting, investigating or prosecuting criminal offences and which is available to competent authorities without the taking of coercive measures under national law.	(ii) any type of information or data which is held by public authorities or by private entities in the context of preventing, detecting, investigating or prosecuting criminal offences and which is available to competent authorities without the taking of coercive measures under national law. Text Origin: Commission Proposal
Article 18(1), second subparagraph				
325	The information referred to in point (c) may include criminal records, information on investigations, information on the freezing or seizure of assets or on other investigative or provisional	The information referred to in point (c) may include criminal records, information on investigations, information on the freezing or seizure of assets or on other investigative or provisional	The information referred to in point (c) ~~may~~ <u>shall</u> include criminal records, information on investigations, information on the freezing or seizure of assets, <u>including in the context of</u>	The information referred to in point (c) ~~may~~ <u>shall</u> include criminal records, information on investigations, information on the freezing or seizure of assets, or on other investigative or provisional

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	measures and information on convictions and on confiscations.	measures and information on convictions and on confiscations.	<u>economic or targeted financial sanctions</u> , or on other investigative or provisional measures and information on convictions and on confiscations.	measures and information on convictions and on confiscations. EP to revert - information on the freezing or seizure of assets in the context of econ or TFS - in the administrative information (b) CONS to confirm shall EP to revert CONS to revert Text Origin: EP Mandate TM11 19092023
Article 18(2)				
326	2. Where the information referred to in paragraph 1, points (a), (b) and (c), is not stored in databases or registers, Member States shall take the necessary measures to ensure that FIUs can obtain that information by other means.	2. Where the information referred to in paragraph 1, points (a), (b) and (c), is not stored in databases or registers, Member States shall take the necessary measures to ensure that FIUs can obtain that information by other means.	2. Where the information referred to in paragraph 1, points (a), (b) and (c), is not stored in databases or registers, Member States shall take the necessary measures to ensure that FIUs can obtain that information by other means <u>in a timely manner</u> .	2. Where the information referred to in paragraph 1, points (a), (b) and (c), is not stored in databases or registers, Member States shall take the necessary measures to ensure that FIUs can obtain that information by other means <u>without undue delay</u> . Text Origin: Commission Proposal TM11 19092023
Article 18(2a)				
326a		<u>2a. By derogation from paragraph 1, Member States may allow that FIU is denied access to the financial, administrative and law enforcement information referred</u>		CONS to revert EP to revert EC to revert TM11 19092023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>to in paragraph 1 points (a), (b) and (c) in exceptional circumstances if the access to such information would have a negative impact on ongoing investigations or if the access to such information would be clearly disproportionate to the legitimate interests of a natural person with regard to the purposes for which access has been requested.</u>		
Article 18(3)				
327	3. In the cases where the FIUs are provided with indirect access to information, the requested authority shall respond to the request in a timely manner.	3. <u>Where paragraph 1 provides for indirect access to information by FIUs, Member states shall be able to grant direct access instead.</u> In the cases where the ~~FIUs are~~ <u>FIU is</u> provided with indirect access to information, the requested authority shall ~~respond to the request~~ <u>provide the requested information</u> in a timely <u>and unfiltered</u> manner. <u>In urgent cases, the requested authority shall respond within time limit set out by the FIU.</u>	3. In the cases where the FIUs are provided with indirect access to information, the requested authority shall respond to the request in a timely manner.	Part of redrafting proposal by COM on Article 18 EC to revert TM11 19092023
Article 18(4)				
328	4. In the context of its functions, each FIU shall be able to request, obtain and use information from any obliged entity to perform its functions pursuant to Article 17(3),	4. In the context of its functions, each FIU shall be able to request, obtain and use information from any obliged entity to perform its functions pursuant to Article 17(3),	4. In the context of its functions, each FIU shall be able to request, obtain and use information from any obliged entity to perform its functions pursuant to Article 17(3),	4. In the context of its functions, each FIU shall be able to request, obtain and use information from any obliged entity to perform its functions pursuant to Article 17(3),

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	even if no prior report is filed pursuant to Article 50(1), point (a), or Article 51(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]. Obligated entities shall not be obliged to comply with requests for information made pursuant to this paragraph when they concern information obtained in the situations referred to in Article 51(2) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final].	even if no prior report is filed pursuant to Article 50(1), point (a), or Article 51(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]. Obligated entities shall not be obliged to comply with requests for information made pursuant to this paragraph when they concern information obtained in the situations referred to in Article 51(2) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final].	even if no prior report is filed pursuant to Article 50(1), point (a), or Article 51(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]. Obligated entities shall not be obliged to comply with requests for information made pursuant to this paragraph when they concern information obtained in the situations referred to in Article 51(2) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final].	even if no prior report is filed pursuant to Article 50(1), point (a), or Article 51(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]. Obligated entities shall not be obliged to comply with requests for information made pursuant to this paragraph when they concern information obtained in the situations referred to in Article 51(2) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]. Text Origin: Commission Proposal
Article 19				
329	Article 19 Responses to requests for information	Article 19 Responses to requests for information	Article 19 Responses to requests for information	Article 19 Responses to requests for information Text Origin: Commission Proposal
Article 19(1), first subparagraph				
330	1. Member States shall ensure that FIUs respond in a timely manner to reasoned requests for information by other competent authorities in their respective Member State or Union	1. Member States shall ensure that ~~FIUs~~ <u>their FIU is able to</u> respond in a timely manner to reasoned requests for <u>financial</u> information ~~by other competent authorities in their~~	1. Member States shall ensure that FIUs respond in a timely manner, to reasoned requests for information by other competent authorities in their respective Member State or Union	EC to revert TM12 21092023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	authorities competent for investigating or prosecuting criminal activities when such requests for information are motivated by concerns relating to money laundering, its predicate offences or terrorist financing or when this information is necessary for the competent authority to perform its tasks under this Directive. The decision on conducting the dissemination of information shall remain with the FIU.	~~respective Member State or Union~~ <u>financial analysis as defined in article 2 of Directive 2019/1153 by national</u> authorities competent for investigating or prosecuting criminal activities <u>in the FIU's Member State , where that financial information or financial analysis is necessary on a case-by-case basis</u> and -when such requests for information are motivated by concerns relating to money laundering, its predicate offences or terrorist financing-~~or when this information is necessary for the competent authority to perform its tasks under this Directive~~. The decision on conducting the dissemination of information shall remain with the FIU.	authorities competent for investigating or prosecuting criminal activities when such requests for information are motivated by concerns relating to money laundering, its predicate offences or terrorist financing or when this information is necessary for the competent authority <u>to freeze, seize or confiscate assets or</u> to perform its tasks under this Directive. The decision on conducting the dissemination of information shall remain with the FIU.	
Article 19(1), second subparagraph				
331	Where there are objective grounds for assuming that the provision of such information would have a negative impact on ongoing investigations or analyses, or, in exceptional circumstances, where disclosure of the information would be clearly disproportionate to the legitimate interests of a natural or legal person or irrelevant with regard to the purposes for which it has been requested, the FIU shall be under no obligation to comply with the	Where there are objective grounds for assuming that the provision of such information would have a negative impact on ongoing investigations or analyses, or, in exceptional circumstances, where disclosure of the information would be clearly disproportionate to the legitimate interests of a natural or legal person or irrelevant with regard to the purposes for which it has been requested, the FIU shall be under no obligation to comply with the	Where there are objective grounds for assuming that the provision of such information would have a negative impact on ongoing investigations or analyses, or, in exceptional circumstances, where disclosure of the information would be clearly disproportionate to the legitimate interests of a natural or legal person or irrelevant with regard to the purposes for which it has been requested, the FIU ~~shall be under no obligation to comply with the~~	Where there are objective grounds for assuming that the provision of such information would have a negative impact on ongoing investigations or analyses, or, in exceptional circumstances, where disclosure of the information would be clearly disproportionate to the legitimate interests of a natural or legal person or irrelevant with regard to the purposes for which it has been requested, the FIU shall be under no obligation to comply with the

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	request for information.	request for information.	~~request for information~~ <u>may refuse the request for information but only by means of a written and duly justified response. Such a response shall also be transmitted to AMLA for the purpose of identifying trends and any possible impediments to cooperation.</u>	request for information. COM to propose recital further clarification of refusal CONS to revert EC to revert Text Origin: Commission Proposal TM12 21092023
Article 19(2)				
332	2. Competent authorities shall provide feedback to the FIU about the use made of the information provided in accordance with this Article. Such feedback shall be provided as soon as possible and in any case, at least on an annual basis, in such a way as to inform the FIU about the actions taken by the competent authorities on the basis of the information provided by the FIU and allow the FIU to execute its operational analysis function.	2. Competent authorities shall provide feedback to the FIU about the use ~~made~~ <u>and usefulness</u> of the information provided in accordance with this Article. ~~Such feedback shall be provided as soon as possible and in any case, at least on an annual basis, in such a way as to inform the FIU about the actions taken by the competent authorities on the basis of the information provided by the FIU and~~ <u>and Article 17(3), and about the outcome of the actions taken on the basis of that information. Such feedback shall be provided as soon as possible, in such a way as to</u> allow the FIU to ~~execute~~ <u>improve</u> its operational analysis function.	2. Competent authorities shall provide feedback to the FIU about the use made of, <u>and the usefulness of</u> , the information provided in accordance with this Article <u>and article 17, and about the outcome of the investigations performed on the basis of that information</u> . Such feedback shall be provided as soon as possible and in any case, at least on an annual basis, in such a way as to inform the FIU about the actions taken by the competent authorities on the basis of the information provided by the FIU and allow the FIU to execute <u>and improve</u> its operational analysis function.	2. Competent authorities shall provide feedback to the FIU about the use made of, <u>and the usefulness of</u> , the information provided in accordance with this Article <u>and article 17(3), and about the outcome of actions taken and of the investigations performed on the basis of that information</u> . Such feedback shall be provided as soon as possible and <u>[in any case, in an aggregated form,</u> at least on an annual basis], in such a way as to ~~inform the FIU about the actions taken by the competent authorities on the basis of the information provided by the FIU and~~ allow the FIU to ~~execute~~ <u>improve</u> its operational analysis function. Text Origin: EP Mandate TM12 of 21092023
Article 19a				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
332a			<u>Article 19a</u> <u>Dissemination of information</u> 1. <u>Member States shall ensure that their FIUs disseminate the results of their analyses and any additional relevant information to other competent authorities where there are grounds to suspect money laundering, its predicate offences or terrorist financing.</u> 2. <u>Member States shall ensure that their FIUs, on a case by case basis, inform competent authorities in their respective Member State, or Union authorities competent to investigate or prosecute criminal activities, where there is evidence of money laundering, its predicate offences or terrorist financing, or where that information is necessary for the competent authority to freeze, seize or confiscate assets or to perform its tasks under criminal law, unless the provision of such information would have a negative impact on ongoing investigations or analyses.</u> 3. <u>The decision to disseminate information as referred to in paragraphs 1 and 2 shall remain with the FIU in question.</u> 4. <u>Dissemination of information as referred to in paragraphs 1 and 2 shall be conducted via secure communication channels</u>	<u>Article 19a</u> <u>[deleted]</u> Paragraph 1, 3, 4 are covered by article 17. Paragraph 2 is out of scope TM12 of 21092023

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 273/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 20				
333	Article 20 Suspension or withholding of consent to a transaction and suspension of an account	Article 20 Suspension or withholding of consent to a transaction and suspension of an account	Article 20 Suspension <u>of or prohibition to carry out</u> ~~or withholding of consent~~ to a transaction and suspension of an account	Article 20 Suspension or withholding of consent to a transaction and suspension of an account Text Origin: Commission Proposal TM12 of 21092023
Article 20(1), first subparagraph				
334	1. Member States shall ensure that FIUs are empowered to take urgent action, directly or indirectly, where there is a suspicion that a transaction is related to money laundering or terrorist financing, to suspend or withhold consent to a transaction that is proceeding. Such suspension shall be imposed on the obliged entity within 48 hours of receiving the suspicious transaction report in order to analyse the transaction, confirm the suspicion and disseminate the results of the analysis to the competent authorities. Member States shall ensure that subject to national procedural safeguards, the transaction is suspended for a period of a maximum of 15 calendar days from the day of the imposition of such suspension to the obliged entity.	1. Member States shall ensure that FIUs are empowered to take urgent action, directly or indirectly, where there is a suspicion that a transaction is related to money laundering or terrorist financing, to suspend or withhold consent to a transaction, <u>or a certain type of transactions at risk that if performed, the proceeds of crime would get out of the reach of FIU or competent authorities, or transactions at risk that if performed, terrorist financing could take place, or transactions suspected of belonging to the same scheme as a previously suspended suspicious transaction that is proceeding</u> . Such suspension shall be imposed on the obliged entity ~~within 48 hours of receiving the suspicious transaction report in order to analyse~~ <u>in order to perform</u>	1. Member States shall ensure that FIUs are empowered to take urgent action, ~~directly or indirectly~~ , where there is a suspicion that a transaction is related to money laundering or terrorist financing, to suspend or ~~withhold consent to~~ <u>prohibit</u> a transaction that is proceeding. ~~Such suspension shall be imposed on the obliged entity within 48 hours of receiving the suspicious transaction report in order to analyse the transaction, confirm the suspicion and disseminate the results of the analysis to the competent authorities in order to analyse the transaction, confirm the suspicion and disseminate the results of the analysis to the competent authorities and, where relevant, AMLA. In cases covered by Article 52(1) of Regulation ... [please~~	1. [Member States shall ensure that FIUs are empowered to take urgent action, directly or indirectly, where there is a suspicion that a transaction is related to money laundering or terrorist financing, to suspend or withhold consent to a transaction that is proceeding. Such suspension shall be imposed on the obliged entity within 48 hours of receiving the suspicious transaction report in order to ~~analyse~~ <u>perform the analyses, including the analysis of</u> the transaction, confirm the suspicion and disseminate the results of the ~~analysis~~ <u>analyses</u> to the <u>relevant</u> competent authorities. Member States shall ensure that subject to national procedural safeguards, the transaction is suspended for a period of a maximum of 15 calendar days from

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 274/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>the analyses, including the analysis of</u> the transaction, confirm the suspicion and disseminate the results of the ~~analysis~~ <u>analyses</u> to the <u>relevant</u> competent authorities <u>to allow for the adoption of appropriate measures. In cases covered by Article 52 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], the suspension shall be imposed as soon as possible.</u> Member States shall ~~ensure that~~ <u>define the period of suspension applicable,</u> subject to <u>appropriate</u> national procedural safeguards, <u>in their jurisdiction.</u> <u>This period of suspension shall not be set below 10 working days and shall not exceed 60 working days from the day of the imposition of such suspension to the obliged entity. In cases covered by paragraph 3, this</u> ~~the transaction is suspended for a period of a maximum of 15 calendar~~ <u>suspension shall not be set below 15 working days and shall not exceed 60 working days from the day of the imposition of such</u> ~~the~~ <u>suspension.</u> <u>Member states shall ensure that FIUs are empowered to lift the suspension at any time. In case conditions set out in this paragraph are not met anymore, the suspension shall be immediately lifted</u> ~~to the obliged entity.~~	<u>insert reference to AML Regulation - 2021/0239 (COD)], such suspension shall be imposed on the obliged entity within 48 hours of receiving the suspicious transaction report.</u> Member States shall ensure that subject to national procedural safeguards, the transaction is suspended for a period of a maximum of 15 calendar days from the day of the imposition of such suspension to the obliged entity. <u>Member States shall ensure that such suspensions may be extended for reasons which are external to the FIU's analysis, in particular the lack of cooperation from the obliged entity.</u>	the day of the imposition of such suspension to the obliged entity. <u>1</u> Minimum deadline to reply: AMLR already provides for a 3 days limit for obliged entities to wait for feedback - proposal to further discuss alignment of a minimum deadline in AMLD/AMLR Proposal to consider whether suspension can be triggered by information from NCA and STRs - with specific deadline only for suspensions triggered by STRs recital that FIU have to base their suspension based on information/facts from NCA. EP agrees to drop "prohibitions" and reference to AMLA Test idea to extend suspension period for suspicious transactions to 72 hours. Linked to AMLR EP to revert CONS to revert AMLR related EC to revert Text Origin: Commission Proposal TM12 of 21092023

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 275/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 20(1), first subparagraph a			
334a			<u>Where an FIU decides to suspend or prohibit a transaction that concerns another Member State, it shall promptly inform the FIU of that Member State.</u>	
	Article 20(1), first subparagraph b			
334b			<u>Where an FIU decides to suspend or prohibit a transaction in accordance with paragraph 1, that information shall be made available to other FIUs through FIU.net.</u>	
	Article 20(1), first subparagraph c			
334c			<u>Member States shall ensure that FIUs are able to use state-of-the-art technology to match their data with other FIUs' data of suspended or prohibited transactions in an anonymous manner.</u>	
	Article 20(1), second subparagraph			
335	The FIU shall be empowered to impose such suspension, directly or indirectly, at the request of an FIU from another Member State for the periods and under the conditions	~~The FIU shall be empowered to impose such suspension, directly or indirectly, at the request of an FIU from another Member State for the periods and under the conditions~~	The FIU shall be empowered to impose such suspension, directly or indirectly, at the request of an FIU from another Member State for the periods and under the conditions	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	specified in the national law of the FIU receiving the request.	~~specified in the national law of the FIU receiving the request.~~ Deleted	specified in the national law of the FIU receiving the request.	
Article 20(2), first subparagraph				
336	2. Where there is a suspicion that several transactions involving a bank or payment account are related to money laundering or terrorist financing, Member States shall ensure that the FIU is empowered to take urgent action, directly or indirectly, to suspend the use of a bank or payment account in order to analyse the transactions performed through the account, confirm the suspicion and disseminate the results of the analysis to the competent authorities.	2. Where there is a suspicion that ~~several transactions involving a bank or payment account are~~ <u>business relationship may be used for or is otherwise</u> related to money laundering or terrorist financing, Member States shall ensure that the FIU is empowered to take urgent action, directly or indirectly, to suspend the use of ~~a bank or payment account~~ <u>that business relationship</u> in order to ~~analyse the transactions performed through the account~~ <u>perform the analyses</u> , confirm the suspicion and disseminate the results of the ~~analysis~~ <u>analyses</u> to the <u>relevant</u> competent authorities <u>to allow for the adoption of appropriate measures</u> .	2. Where there is a suspicion that several transactions involving a bank ~~or account, a~~ payment account <u>or custodial crypto-asset wallet</u> are related to money laundering, <u>related predicate offences</u> or terrorist financing, Member States shall ensure that the FIU is empowered to take urgent action, ~~directly or indirectly, to suspend~~ <u>to suspend the business relationship or</u> the use of a bank ~~or account,~~ payment account ~~in order to analyse the transactions performed through the account or~~ <u>custodial crypto-asset wallet in order to perform the analyses</u> , confirm the suspicion and disseminate the results of the analysis to the competent authorities.	CONS proposal implies suspending business relationships of any obliged entity such as online gambling provider, notary transactions or CASP EP to revert TM13 of 04102023
Article 20(2), second subparagraph				
337	Such suspension shall be imposed on the obliged entity within 48 hours of receiving the suspicious transaction report and immediately notified to the competent judicial authority. Member States shall ensure that the use of that bank or payment account	~~Such suspension~~ <u>Member States</u> shall ~~be imposed on the obliged entity within 48 hours of receiving the suspicious transaction report and immediately notified to the competent judicial authority.~~ <u>Member States shall ensure that the</u>	<u>Such suspension</u> shall be imposed on the obliged entity within 48 hours of receiving the suspicious transaction report and immediately notified to the competent judicial authority. Member States shall ensure that the use of that bank or	

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	is suspended for a period of a maximum of 5 days from the day of the imposition of the suspension. Member States shall ensure that any extension of such suspension shall be authorized by the competent judicial authority.	~~use of that bank or payment account is suspended for a period of a maximum of 5~~ <u>define the period of suspension applicable, subject to appropriate national procedural safeguards, in their jurisdiction. This period of suspension shall not be set below 5 working days and shall not exceed 60 working days</u> from the day of the imposition of the suspension. ~~Member States shall ensure that any extension of such~~ <u>In cases covered by paragraph 3, this period of suspension shall not be set below 10 working days and shall not exceed 60 working days from the day of the imposition of the suspension</u> ~~be authorized by the competent judicial authority.~~	payment account is suspended for a period of a maximum of 5 days from the day of the imposition of the suspension, <u>or for a maximum period 10 days in case the FIU receives indication about an ongoing mutual legal assistance request in cross-border cases.</u> Member States shall ensure that any extension of such suspension shall be authorized by the competent judicial authority <u>and notified to the concerned person in order to allow challenging the suspension before a court in accordance with paragraph 3.</u>	
Article 20(2), second subparagraph a				
337a			<u>The FIU shall be empowered to impose such suspension at the request of an FIU from another Member State within 48 hours, and it shall be imposed within 48 hours of the request for the suspension and under the conditions specified in the Union law and national law applicable to the FIU receiving the request. Member States shall ensure that, subject to national procedural safeguards, the bank or payment account or custodial crypto-asset wallet is suspended for</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>a maximum period of five calendar days from the day of the imposition of such suspension to the obliged entity, or for a maximum period of 10 days in the event that the FIU receives indication about an ongoing mutual legal assistance request in cross-border cases.</u>	
Article 20(2), second subparagraph a				
337b		<u>Member states shall ensure that FIUs are empowered to lift the suspension at any time. In case conditions set out in this paragraph are not met anymore, the suspension shall be immediately lifted.</u>		
Article 20(2), second subparagraph b				
337c			<u>Member States shall ensure that any extension of such suspension be authorized by the competent judicial authority and notified to the concerned person in order to allow challenging the suspension before a court in accordance with paragraph 3.</u>	
Article 20(2a)				
337d			<u>2a. Where an FIU decides to suspend the use of a bank or</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>payment account or custodial crypto-asset wallet that concerns another Member State, it shall promptly inform the FIU of that Member State.</u>	
Article 20(2b)				
337e			<u>2b. Where an FIU decides to suspend a bank or payment account or custodial crypto-asset wallet in accordance with paragraph 1, that information shall be made available to other FIUs through FIU.net.</u>	
Article 20(2c)				
337f			<u>2c. Member States shall ensure that FIUs are able to use state-of-the-art technology to match their data with other FIUs' data of suspended banks, payment accounts or crypto-asset wallets in an anonymous manner.</u>	
Article 20(3)				
338	3. Member States shall provide for the effective possibility for the person whose bank or payment account is affected to challenge the suspension before a court in accordance with procedures provided for in national law.	3. ~~Member States shall provide for the effective possibility for the person whose bank or payment account is affected to challenge the suspension before a court in accordance with procedures provided for in national law.~~ Deleted	3. Member States shall provide for the effective possibility for the person whose bank ~~or~~ <u>account, payment account or custodial crypto-asset wallet is suspended</u> ~~is affected~~ to challenge the suspension before a court in accordance with	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			procedures provided for in national law.	
Article 20(3a)				
338a			<u>3a. FIUs shall be empowered to monitor, during a specified period, the transactions or activities that are being carried out through one or more identified bank accounts or other business relationships with regard to persons who present a significant risk of money laundering or terrorist financing. FIUs shall be empowered to give instructions to obliged entities in order to ensure that obliged entities carry out such specific monitoring and report the results to the competent FIU.</u>	
Article 20(3b)				
338b			<u>3b. The FIU shall be empowered to impose the monitoring measures referred to in paragraph 3a at the request of an FIU from another Member State for the periods and under the conditions specified in the Union law and national law applicable to the FIU receiving the request.</u>	
Article 20(3c)				

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338c			<u>3c. When an FIU imposes the suspensions or a monitoring measure referred to in paragraphs 1, 2 and 3a at the request of an FIU from another Member State, the requesting FIU shall be informed promptly about the measures taken by the FIU that received the request.</u>	
Article 20(4)				
339	4. FIUs shall be empowered to impose the suspensions referred to in paragraphs 1 and 2, directly or indirectly, at the request of an FIU from another Member State under the conditions specified in the national law of the FIU receiving the request.	4. FIUs shall be empowered to impose the suspensions referred to in paragraphs 1 and 2, directly or indirectly, at the request of an FIU from another Member State, <u>or at least where reciprocity is assured, at the request of their counterparts in third countries. Such suspension shall be imposed for the periods and</u> under the conditions specified in the national law of the FIU receiving the request.	4. FIUs shall be empowered to impose the suspensions <u>and monitoring measures</u> referred to in paragraphs 1, <u>2 and 3a</u> ~~and 2~~ , directly or indirectly, at the request of an FIU from ~~another Member State~~ <u>a third country</u> under the conditions specified in the national law of the FIU receiving the request.	CONS to revert TM13 of 04102023
Article 20(4a)				
339a			<u>4a. By ... [two years after the date of entry into force of this Directive], AMLA shall develop draft implementing technical standards and submit them to the Commission for adoption. Those draft implementing technical standards</u>	EP to revert

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>shall specify the format to be used for the exchange of the information referred to in paragraphs 1a, 1b, 2a and 2b of this Article and set the criteria for determining whether a suspension concerns another Member State. The Commission is empowered to adopt those implementing technical standards in accordance with Article 42 of Regulation ... [please insert reference to AMLA regulation - 2021/0240 (COD)].</u>	
Article 20(4a)				
339b		<u>5. Application of suspension in accordance with the conditions set out in this Article shall not involve the FIU or its directors or employees in liability of any kind.</u>		
Article 21				
340	Article 21 Feedback by FIU	Article 21 <u>FIU's</u> feedback ~~by FIU~~ <u>and yearly report</u>	Article 21 Feedback by FIU	Article 21 Feedback ~~by FIU~~ <u>and yearly report</u> Text Origin: Council Mandate TM14 09102023
Article 21(1), first subparagraph				
341	1. Each Member State shall ensure that its FIU issues a yearly report on	1. Each Member State shall ensure that its FIU ~~issues~~ <u>publishes</u> a yearly	1. Each Member State shall ensure that its FIU issues a yearly report on	1. Each Member State shall ensure that its FIU ~~issues~~ <u>publishes</u> a yearly

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	its activities. The report shall contain statistics on:	report on its activities. The report shall contain statistics on:	its activities. The report shall contain statistics on:	report on its activities. The report shall contain statistics on: Text Origin: Council Mandate TM14 09102023
Article 21(1), first subparagraph a				
341a			<u>(-a) follow up given by the FIU to suspicious transactions reports it has received;</u>	<u>(-a) follow up given by the FIU to suspicious transactions reports it has received;</u> Linked to Article 9 where similar provision is already provided Text Origin: EP Mandate TM14 09102023
Article 21(1), first subparagraph, point (a)				
342	(a) suspicious transaction reports submitted by obliged entities;	(a) suspicious transaction reports submitted by obliged entities;	(a) suspicious transaction reports submitted by obliged entities;	(a) suspicious transaction reports submitted by obliged entities; Text Origin: Commission Proposal
Article 21(1), first subparagraph, point (b)				
343	(b) disclosures by supervisors and beneficial ownership registers;	(b) disclosures by supervisors and beneficial ownership registers;	(b) disclosures by supervisors and beneficial ownership registers;	(b) disclosures by supervisors and beneficial ownership registers; Text Origin: Commission Proposal
Article 21(1), first subparagraph, point (ba)				

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G 343a			<u>(ba) feedback received from competent authorities</u>	<u>(ba) - (deleted)</u> Covered in line 344 TM14 of 09102023
Article 21(1), first subparagraph, point (c)				
G 344	(c) disseminations to competent authorities;	(c) disseminations to competent authorities;	(c) disseminations to competent authorities;	(c) disseminations to competent authorities <u>and follow-up given to those disseminations;</u> Text Origin: Commission Proposal TM14 of 09102023
Article 21(1), first subparagraph, point (d)				
G 345	(d) requests submitted to and received from other FIUs;	(d) requests submitted to and received from other FIUs;	(d) requests submitted to and received from other FIUs;	(d) requests submitted to and received from other FIUs; Text Origin: Commission Proposal
Article 21(1), first subparagraph, point (da)				
G 345a			<u>(ea) requests submitted to and received from competent authorities designated under Article 3 of Directive 2019/1153;</u>	<u>(ea) requests submitted to and received from competent authorities referred to in Article 2, point (31)(c) of regulation [AMLR];</u> Text Origin: EP Mandate TM14 09102023
Article 21(1), first subparagraph, point (db)				

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345b			<u>(eb) human resources allocated.</u>	<u>(eb) [human resources allocated.]</u> Already practice to publish resources in FIU annual reports + data already covered in Article 9 CONS to revert Text Origin: EP Mandate TM14 09102023
Article 21(1), first subparagraph, point (e)				
346	(e) data on cross-border physical transfers of cash submitted by customs authorities.	(e) ~~data on cross-border physical transfers of cash submitted by customs authorities.~~ Deleted	(e) data on cross-border physical transfers of cash submitted by customs authorities.	(e) [data on cross-border physical transfers of cash submitted by customs authorities.] COM: reflects Cash Control Regulation and it covers direct and indirect provisions of those cash declarations to FIUs. To be moved to Article 9 CONS to revert Text Origin: Commission Proposal TM14 09102023
Article 21(1), second subparagraph				
347	The report referred to in the first subparagraph shall also contain information on the trends and	The report referred to in the first subparagraph shall also contain information on the trends and	The report referred to in the first subparagraph shall also contain information on the trends and	The report referred to in the first subparagraph shall also contain information on the trends and

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	typologies identified in the files disseminated to other competent authorities.	typologies identified in the files disseminated to other competent authorities.	typologies identified in the files disseminated to other competent authorities.	typologies identified in the files disseminated to other competent authorities. Text Origin: Commission Proposal
Article 21(1), third subparagraph				
348	FIUs shall disseminate the report to obliged entities. Such report shall be made public within four months of its dissemination, except for the elements of the report which contain classified information. The information contained therein shall not permit the identification of any natural or legal person.	~~FIUs shall disseminate the report to obliged entities. Such report shall be made public within four months of its dissemination, except for the elements of the report which contain classified information. The information contained therein shall not permit the identification of any natural or legal person.~~ Deleted	FIUs shall disseminate the report to obliged entities. Such report shall be made public ~~within four months~~ <u>at the date</u> of its dissemination, except for the elements of the report which contain classified information. The information contained therein shall not permit the identification of any natural or legal person.	EC to revert TM14 09102023
Article 21(2), first subparagraph				
349	2. Member States shall ensure that FIUs provide obliged entities with feedback on the reports of suspected money laundering or terrorist financing. Such feedback shall cover at least the quality of the information provided, the timeliness of reporting, the description of the suspicion and the documentation provided at submission stage.	2. Member States shall ensure that ~~FIUs provide~~ <u>the FIU provides</u> obliged entities with feedback on the ~~reports~~ <u>reporting</u> of suspected money laundering or terrorist financing. Such feedback, <u>not necessarily on each individual report</u> , shall cover at least the quality of the information provided, the timeliness of reporting, the description of the suspicion and <u>of</u> the documentation provided at submission stage.	2. Member States shall ensure that FIUs provide obliged entities with feedback on the reports of suspected money laundering or terrorist financing <u>at least twice a year. FIUs shall provide feedback on operational and strategic analysis.</u> Such feedback shall cover at least the quality of the information provided, <u>how the information was used</u> , the timeliness of reporting, the description of the suspicion ~~and~~ , the documentation provided at submission stage <u>and potential</u>	EP to revert EC to revert TM14 09102023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>money laundering or terrorist financing typologies not covered by the obliged entity's report.</u>	
Article 21(2), second subparagraph				
350	The FIU shall provide such feedback at least once per year, whether provided to the individual obliged entity or to groups of obliged entities, taking into consideration the overall number of suspicious transactions reported by the obliged entities.	The FIU shall provide such feedback at least once per year, whether provided to the individual obliged entity or to groups of obliged entities, taking into consideration the overall number of suspicious transactions reported ~~by the obliged entities.~~	The FIU shall provide ~~such~~ feedback at least once per year, ~~whether provided to the individual~~ <u>to each category of</u> obliged entity ~~or to groups of obliged entities, taking into consideration the overall number of suspicious transactions reported by the obliged entities as referred to in Article 3, points (1), (2) and (3)(f), (g), (h) and (k), of Regulation ... [please insert reference to Anti-Money Laundering Regulation - 2021/0239 (COD)]~~ .	EC to revert TM14 09102023
Article 21(2a)				
350a			<u>The FIU shall provide a comparative analysis on the quality of suspicious transaction reports by category of obliged entities referred to in Article 3, point (3) points (a)-(e), (i), (j) and (l), of Regulation ... [please insert reference to Anti-Money Laundering Regulation - 2021/0239 (COD)], taking into consideration the overall number of suspicious transactions reported by those obliged entities.</u>	EC to propose redrafting including the following elements: - keeping the flexibility of the EC/CONS approach whereby FIU provides feedback to individual obliged entities or categories of obliged entities - FIUs to report to AMLA about their practice in provide feedback + STRs broken down by types of obliged entities - AMLA to issue recommendations to

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				FIUs on how to provide feedback Covering lines 349-350a (EP dropping then requirement for individual reporting twice a year + annual reporting to categories of OE) EC to revert TM14 09102023
Article 21(2), third subparagraph				
351	Such feedback shall also be made available to supervisors to allow them to perform risk-based supervision in accordance with Article 31.	Such feedback, <u>as appropriate</u> , shall also be made available to supervisors to allow them to perform risk-based supervision in accordance with Article 31.	Such feedback, <u>including a comparative assessment between obliged entities and groups or categories of obliged entities</u> , shall also be ~~made available~~ <u>sent</u> to supervisors to allow them to perform risk-based supervision in accordance with Article 31.	Such feedback shall also be made available to supervisors to allow them to perform risk-based supervision in accordance with Article 31. Text Origin: Commission Proposal TM14 09102023
Article 21(2b)				
351a			<u>FIUs shall provide, at least annually, to all obliged entities within their jurisdiction strategic feedback about financial intelligence priorities and trends in money laundering and terrorist financing.</u>	To be included in Article 21a EC to revert TM14 09102023
Article 21(2), fourth subparagraph				
352				

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	The obligation to provide feedback shall not jeopardise any ongoing analytical work carried out by the FIU or any investigation or administrative action subsequent to the dissemination by the FIU, and shall not affect the applicability of data protection and confidentiality requirements.	The obligation to provide feedback shall not jeopardise any ongoing analytical work carried out by the FIU or any investigation or administrative action subsequent to the dissemination by the FIU, and shall not affect the applicability of data protection and confidentiality requirements.	The obligation to provide feedback shall not jeopardise any ongoing analytical work carried out by the FIU or any investigation or administrative action subsequent to the dissemination by the FIU, and shall not affect the applicability of data protection and confidentiality requirements.	The obligation to provide feedback shall not jeopardise any ongoing analytical work carried out by the FIU or any investigation or administrative action subsequent to the dissemination by the FIU, and shall not affect the applicability of data protection and confidentiality requirements. Text Origin: Commission Proposal
Article 21(3)				
353	3. Member States shall ensure that FIUs provide customs authorities with timely feedback on the effectiveness of and follow-up to the information submitted pursuant to Article 9 of Regulation (EU) 2018/1672.	3. ~~Member States shall ensure that FIUs provide customs authorities with timely feedback on the effectiveness of and follow-up to the information submitted pursuant to Article 9 of Regulation (EU) 2018/1672.~~ Deleted	3. Member States shall ensure that FIUs provide customs authorities with timely feedback on the effectiveness of and follow-up to the information submitted pursuant to Article 9 of Regulation (EU) 2018/1672.	3. [Member States shall ensure that FIUs provide customs authorities with timely feedback on the effectiveness of and follow-up to the information submitted pursuant to Article 9 of Regulation (EU) 2018/1672.] CONS to revert Text Origin: Commission Proposal TM14 09102023
Article 21a				
353a		<u>Article 21a</u>		CONS to revert TM14 09102023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 21a(1)				
353b		<u>1. Member states shall be able to set out in their national legislation that their FIUs are empowered to alert obliged entities for the performance of their due diligence obligations pursuant to Chapter 3 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] on:</u>		CONS to revert
Article 21a(1), point (a)				
353c		<u>(a) types of transactions or activities that present a significant risk of ML/TF;</u>		CONS to revert
Article 21a(1), point (b)				
353d		<u>(b) specific persons that present a significant risk of ML/TF;</u>		CONS to revert
Article 21a(1), point (c)				
353e		<u>(c) specific geographic areas that present a significant risk of ML/TF.</u>		CONS to revert
Article 21a(2)				
353f		<u>2. The measure mentioned in paragraph 1 shall be effective for a</u>		CONS to revert

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		<u>period of time defined in national law, which shall not exceed 6 months.</u>		
Article 21a(3)				
353g		<u>The use of this measure shall not be disclosed beyond its intended recipients.</u>		CONS to revert
Article 22				
354	Article 22 Cooperation between FIUs	Article 22 Cooperation between FIUs	Article 22 Cooperation between FIUs	Article 22 Cooperation between FIUs Text Origin: Commission Proposal
Article 22, first paragraph				
355	Member States shall ensure that FIUs cooperate with each other and with their counterparts in third countries to the greatest extent possible, regardless of their organisational status.	Member States shall ensure that FIUs cooperate with each other and <u>at least where reciprocity is assured,</u> with their counterparts in third countries to the greatest extent possible, regardless of their organisational status.	Member States shall ensure that FIUs cooperate with each other and with their counterparts in third countries to the greatest extent possible <u>and in a timely manner,</u> regardless of their organisational status. <u>To that end, they shall provide effective arrangements for cross-border and international cooperation.</u>	<u>Member States shall ensure that FIUs cooperate with each other ~~and with their counterparts in third countries~~ to the greatest extent possible, regardless of their organisational status.</u> CONS to revert Text Origin: Commission Proposal TM14 09102023
Article 22, first paragraph a				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
355a			<u>Member States shall provide their FIUs with adequate financial, human and technical resources in order to ensure effective and efficient cooperation.</u>	<u>- (deleted)</u> Already covered in Article 17(5) TM14 09102023
Article 22a				
355b			<u>Article 22a</u> <u>Cooperation with AMLA</u> <u>Member States shall ensure that FIUs participate in, and contribute to, the activities of AMLA in accordance with the provisions of Regulation ... [please insert reference to AMLA Regulation - 2021/0240(COD)].</u>	<u>Article 22a</u> <u>- (deleted)</u> covered in article 47 - to be beefed up regarding active participation of FIUs and supervisors with regard to AMLA TM10 of 18092023
Article 23				
356	Article 23 Protected channels of communication	Article 23 Protected channels of communication	Article 23 Protected channels of communication	Article 23 Protected channels of communication Text Origin: Commission Proposal
Article 23(1)				
357	1. A system for the exchange of information between FIUs of the Member States shall be set up ('FIU.net'). The system shall ensure	1. A system for the exchange of information between FIUs of the Member States shall be set up ('FIU.net'). The system shall ensure	1. <u>A</u> system for the exchange of information between FIUs of the Member States shall be set up (~~FIU.net~~ <u>FIU.net</u>) <u>without delay</u> .	1. <u>A</u> system for the exchange of information between FIUs of the Member States shall be set up (~~FIU.net~~ <u>FIU.net</u>). The system

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	the secure communication and shall be capable of producing a written record under conditions that allow ascertaining authenticity. That system may also be used for communications with FIUs counterparts in third countries and with other authorities and Union bodies. FIU.net shall be managed by AMLA.	the secure communication and <u>exchange of data and</u> shall be capable of producing a written record under conditions that allow ascertaining authenticity. <u>Subject to decision by the General Board of AMLA in FIU composition</u> , that system may also be used for communications with FIUs counterparts in third countries and with ~~other~~ authorities and ~~Union bodies~~ <u>bodies of the Union</u> . FIU.net shall be managed by AMLA.	The system shall ensure ~~the~~ secure communication and <u>exchange of information and</u> shall be capable of producing a written record under conditions that allow ascertaining authenticity. <u>If so decided by AMLA</u> , that system may also be used for communications with FIUs counterparts in third countries and with other authorities and Union bodies. FIU.net shall be managed by AMLA. <u>The system shall serve as a centralised information exchange hub between FIUs and AMLA.</u>	shall ensure ~~the~~ secure communication and <u>exchange of information and</u> shall be capable of producing a written record under conditions that allow ascertaining authenticity. <u>If so decided by AMLA</u> , that system may also be used for communications with FIUs counterparts in third countries and with ~~other authorities and Union bodies~~ <u>Union bodies, offices and agencies</u> . FIU.net shall be managed by AMLA. <u>[The system shall serve as a centralised information exchange hub between FIUs and AMLA.]</u> EC to check relevance in clarifying further AMLA's access to FIU.Net in appropriate place Clarify in AMLA regulation that GB FIU composition is competent for deciding on third country connection. EC to revert AMLA related Text Origin: EP Mandate
Article 23(2), first subparagraph				
358	2. Member States shall ensure that any exchange of information pursuant to Article 24 is transmitted using the FIU.net. In the event of technical failure of the FIU.net, the information shall be transmitted by	2. Member States shall ensure that ~~any exchange of information~~ <u>information exchanges</u> pursuant to Article 24 ~~is transmitted using~~ <u>and Article 25 take place through</u> the FIU.net. In the event of	2. Member States shall ensure that ~~any FIUs~~ exchange ~~of~~ information pursuant to Article 24 ~~is transmitted and~~ <u>25</u> using the FIU.net. In the event of <u>temporary</u> technical failure of the FIU.net, the	2. Member States shall ensure that ~~any FIUs~~ exchange ~~of~~ information pursuant to Article 24 ~~is transmitted and~~ <u>25</u> using the FIU.net. In the event of technical failure of the FIU.net, the information shall be

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	any other appropriate means ensuring a high level of data security.	technical failure of the FIU.net, the information shall be transmitted ~~by any other appropriate means ensuring a high level of data security~~ <u>through equivalent protected channels of communication.</u>	information shall be transmitted ~~by any other appropriate means~~ <u>without any delay through equivalent protected channels of communication</u> ensuring a high level of data security <u>and data protection, in accordance with criteria identified by AMLA by means of guidelines.</u>	<u>exceptionally</u> transmitted ~~by any other appropriate means~~ <u>[without any delay through equivalent protected channels of communication</u> ensuring a high level of data security <u>and data protection, in accordance with criteria identified by AMLA by means of guidelines].</u> EC proposal to keep original wording to avoid mandatory use of Egmont ESW in case of failure EP to revert CONS to revert Text Origin: EP Mandate
Article 23(2), second subparagraph				
359	Exchanges of information between FIUs and their counterparts in third countries shall also take place through protected channels of communication.	Exchanges of information between FIUs and their counterparts in third countries shall also take place through protected channels of communication.	Exchanges of information between FIUs and their counterparts in third countries shall also take place through protected channels of communication.	Exchanges of information between FIUs and their counterparts in third countries shall also take place through protected channels of communication. EC to revert Text Origin: Commission Proposal
Article 23(3)				
360	3. Member States shall ensure that, in order to fulfil their tasks as laid down in this Directive, their FIUs	3. Member States shall ensure that, in order to fulfil their tasks as laid down in this Directive, their FIUs	3. Member States shall ensure that, in order to fulfil their tasks as laid down in this Directive <u>and in</u>	3. Member States shall ensure that, in order to fulfil their tasks as laid down in this Directive, their FIUs

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	cooperate in the application of state-of-the-art technologies in accordance with their national law.	cooperate in the application of state-of-the-art technologies in accordance with their national law.	<u>applicable Union law</u> , their FIUs <u>participate, use and</u> cooperate <u>to the maximum extent</u> in the application of state-of-the-art technologies, <u>in particular those developed and managed by AMLA</u> in accordance with ~~their national law~~ <u>Article 5(5), point (e), and Article 37 of Regulation ... [please insert reference to AMLA Regulation - 2021/0240 (COD)]</u> .	cooperate <u>to the greatest extent possible</u> in the application of state-of-the-art technologies in accordance with their national law. <u>Member States shall also ensure that FIUs cooperate to the greatest extent possible in the application of solutions developed and managed by AMLA in accordance with Article 5(5), point (e), Article 36 (1), point (cb) and Article 37 of Regulation ... [please insert reference to AMLA Regulation - 2021/0240 (COD)]</u> . Text Origin: EP Mandate
Article 23(3a)				
360a			<u>3a. Member States shall ensure that their FIUs are able to use FIU.net for the purpose of matching their data with data of other FIUs in an anonymous manner. Member States shall ensure that their FIUs are able to use FIU.net for the purposes of matching subject-matter data with Europol databases.</u>	<u>3a. Member States shall ensure that their FIUs are able to use FIU.net for the purpose of matching their data with data of other FIUs in an anonymous manner.</u> <u>[Member States shall ensure that their FIUs are able to use FIU.net for the purposes of matching subject-matter data with Europol databases.]</u> EC to revert Text Origin: EP Mandate

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 23(3b)				
360b			<u>3b. Following a peer review in accordance with Article 17(7a), AMLA may suspend access to FIU.net for a specific FIU where the report of the peer review concludes that requirements relating to the independence, integrity, professionalism, confidentiality or security of that FIU, as set out in Article 17, have not been fulfilled. The decision to impose such suspension shall be taken by the General Board of AMLA in accordance with the the provisions referred to in Article 27(5a) of Regulation [please insert reference to AMLA Regulation - 2021/0240 (COD)] with the affected FIU not having the right to vote. AMLA shall issue an assessment with the decision which explains and indicates the follow-up measures to be complied with in order for the suspension to be lifted. AMLA shall evaluate the actions taken by the FIU concerned no later than three months after issuing the decision.</u>	EC to revert
Article 23a				
360c			<u>Article 23a</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>Transmission of information by obliged entities to FIUs via FIU.net</u> <u>1. AMLA shall ensure that obliged entities are able to use FIU.net to submit suspicious transaction and activity reports to FIUs concerned, in accordance with this Article, through protected channels of communication.</u> <u>2. By ... [five years after entry into force of this Directive], AMLA shall ensure that obliged entities are able to use FIU.net to transmit information referred to in Article 50 (1) of Regulation ... [please insert reference to AMLR - 2021/0239 (COD)] to the FIU of the Member State in whose territory the obliged entity transmitting the information is established and to any other FIU which is concerned by such report pursuant to Article 24(1) of this Directive. By the same date, Member States shall ensure that FIUs may request obliged entities to transmit the information referred to in Article 50(1) of Regulation ... [please insert reference to AMLR - 2021/023940 (COD)] through FIU.Net, until its use becomes mandatory under paragraph 3.</u> <u>3. Member States shall ensure that transmission of information as referred to in paragraph 2 becomes mandatory for obliged entities by ... [six years</u>	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 298/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>after entry into force of this Directive].</u>	
Article 24				
361	Article 24 Exchange of information between FIUs	Article 24 Exchange of information between FIUs	Article 24 Exchange of information between FIUs	Article 24 Exchange of information between FIUs Text Origin: Commission Proposal
Article 24(1), first subparagraph				
362	1. Member States shall ensure that FIUs exchange, spontaneously or upon request, any information that may be relevant for the processing or analysis of information by the FIU related to money laundering, its predicate offences, or terrorist financing, and the natural or legal person involved, even if the type of predicate offences that may be involved is not identified at the time of the exchange.	1. Member States shall ensure that ~~FIUs exchange~~ <u>FIU exchanges</u> , spontaneously or upon request, any information that may be relevant for the processing or analysis of information by the FIU related to money laundering, its predicate offences, or terrorist financing, and the natural or legal person involved, ~~even if~~ <u>regardless of</u> the type of predicate offences that may be involved ~~is not identified at the time of the exchange~~ .	1. Member States shall ensure that FIUs exchange, spontaneously or upon request, any information that may be relevant for the processing or analysis of information by the FIU related to money laundering, its predicate offences, or terrorist financing, and the natural or legal person involved, <u>regardless of the type of predicate offences that may be involved, and</u> even if the type of predicate offences that may be involved is not identified at the time of the exchange.	1. Member States shall ensure that FIUs exchange, spontaneously or upon request, any information that may be relevant for the processing or analysis of information by the FIU related to money laundering, its predicate offences, or terrorist financing, and the natural or legal person involved, <u>regardless of the type of predicate offences that may be involved, and</u> even if the type of predicate offences that may be involved is not identified at the time of the exchange. Text Origin: EP Mandate TM15 of 12.10.2023
Article 24(1), second subparagraph				
363	A request shall contain the relevant	A request shall contain the relevant	A request shall contain the relevant	A request shall contain the relevant

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	facts, background information, reasons for the request and how the information sought will be used.	facts, background information, reasons for the request, <u>links with the country of the requested FIU</u> and how the information sought will be used.	facts, background information, reasons for the request and how the information sought will be used.	facts, background information, reasons for the request, <u>links with the country of the requested FIU</u> and how the information sought will be used. EC/EP: it is inferred from the provisions that there is a link for providing a request - and the reasons would contain such information. Proposal to make a recital clarifying this - instead of operational provisions EC to revert CONS to revert Text Origin: Council Mandate TM15 of 12.10.2023

Article 24(1), third subparagraph

364	When an FIU receives a report pursuant to Article 50(1), the first subparagraph, point (a), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] which concerns another Member State, it shall promptly forward the report, or all the relevant information obtained from it, to the FIU of that Member State.	When an FIU ~~receives a report pursuant to~~ <u>under</u> Article ~~50(1), the first subparagraph, point (a),~~ <u>50(6)</u> of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> <u>receives a report pursuant to Article 50(1) of that Regulation</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ which concerns another Member State, it shall promptly forward the report, or all the relevant information obtained from it, to the FIU of that Member State.	When an FIU receives a report pursuant to Article 50(1), the first subparagraph, point (a), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] which concerns another Member State, it shall promptly forward the report, or all the relevant information obtained from it, to the FIU of that Member State.	When an FIU receives a report pursuant to Article 50(1), the first subparagraph, point (a), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] which concerns another Member State, it shall promptly forward the report, or all the relevant information obtained from it, to the FIU of that Member State. DLA/QL advice not to duplicate references. Reference should be made to the report as referred to in article

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 300/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		State.		50(1) Text Origin: Commission Proposal TM15 of 12.10.2023
Article 24(2)				
365	2. By [2 years after the date of entry into force of this Directive], AMLA shall develop draft implementing technical standards and submit them to the Commission for adoption. Those draft implementing technical standards shall specify the format to be used for the exchange of the information referred to in paragraph 1.	2. By <u>[2 years after the date of entry into force of this Directive]</u> ~~[2 years after the date of entry into force of this Directive]~~ , AMLA shall develop draft implementing technical standards and submit them to the Commission for adoption. Those draft implementing technical standards shall specify the format to be used for the exchange of the information referred to in paragraph 1.	2. By ... [2 years after the date of entry into force of this Directive], AMLA shall develop draft implementing technical standards and submit them to the Commission for adoption. Those draft implementing technical standards shall specify the format to be used for the exchange of the information referred to in paragraph 1 <u>and shall determine the relevant factors to be taken into consideration when determining whether a report pursuant to Article 50(1), first subparagraph, point (a), of Regulation ... [please insert reference to Anti-Money Laundering Regulation - 2021/0239 (COD)] concerns another Member State, the procedures to be put in place when forwarding and receiving that report, and the necessary follow-up.</u>	2. By ... [2 years after the date of entry into force of this Directive], AMLA shall develop draft implementing technical standards and submit them to the Commission for adoption. Those draft implementing technical standards shall specify the format to be used for the exchange of the information referred to in paragraph 1 <u>and the relevant factors to be taken into consideration when determining whether a report pursuant to Article 50(1), first subparagraph, point (a), of Regulation ... [please insert reference to Anti-Money Laundering Regulation - 2021/0239 (COD)] concerns another Member State.</u> proposal to integrate factors into RTS - but leave procedures /follow up in guidelines under paragraph 4. Text Origin: EP Mandate TM15 of 12.10.2023
Article 24(3)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
366	3. The Commission is empowered to adopt the implementing technical standards referred to in paragraph 2 of this Article in accordance with Article 42 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].	3. The Commission is empowered to adopt the implementing technical standards referred to in paragraph 2 of this Article in accordance with Article 42 of Regulation <u>[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]</u> ~~[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]~~ .	3. The Commission is empowered to adopt the implementing technical standards referred to in paragraph 2 of this Article in accordance with Article 42 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].	3. The Commission is empowered to adopt the implementing technical standards referred to in paragraph 2 of this Article in accordance with Article 42 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]. Text Origin: Commission Proposal TM15 of 12.10.2023
Article 24(4)				
367	4. By [1 year after the date of transposition of this Directive], AMLA shall issue guidelines addressed to FIUs on the relevant factors to be taken into consideration when determining whether a report pursuant to Article 50(1), the first subparagraph, point (a), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] concerns another Member State, the procedures to be put in place when forwarding and receiving that report, and the follow-up to be given.	4. By <u>[1 year after the date of transposition of this Directive]</u> ~~[1 year after the date of transposition of this Directive]~~ , AMLA shall issue guidelines addressed to FIUs on the relevant factors to be taken into consideration when determining whether a report pursuant to Article 50(1), the first subparagraph, point (a), of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ concerns another Member State, the procedures to be put in place when forwarding and receiving that report,	~~4. By [1 year after the date of transposition of this Directive], AMLA shall issue guidelines addressed to FIUs on the relevant factors to be taken into consideration when determining whether a report pursuant to Article 50(1), the first subparagraph, point (a), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] concerns another Member State, the procedures to be put in place when forwarding and receiving that report, and the follow-up to be given:~~	4. By <u>[1 year after the date of transposition of this Directive]</u> ~~[1 year after the date of transposition of this Directive]~~ , AMLA shall issue guidelines addressed to FIUs on the relevant factors <u>procedures</u> to be taken into consideration when determining whether <u>put in place when forwarding and receiving</u> a report pursuant to Article 50(1), the first subparagraph, point (a), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] <u>which</u> concerns another Member State, <u>and the follow-up</u> ~~the procedures~~ to be <u>put in place when forwarding and receiving</u> ~~given to~~ that report, ~~and the~~

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		and the follow-up to be given.		<i>follow-up to be given.</i> proposal to include factors in RTS in para2 - and keep procedures/follow up in guidelines. Text Origin: Council Mandate TM15 of 12102023

Article 24(5), first subparagraph

368	5. Member States shall ensure that the FIU to whom the request is made is required to use the whole range of its available powers which it would normally use domestically for receiving and analysing information when it replies to a request for information referred to in paragraph 1 from another FIU.	5. Member States shall ensure that the FIU to whom the request is made is required to use the whole range of its available powers which it would normally use domestically for receiving and analysing information when it replies to a request for information referred to in paragraph 1 from another FIU.	5. Member States shall ensure that the FIU to whom the request is made is required to use the whole range of its available powers which it would normally use domestically for receiving and analysing information when it replies to a request for information referred to in paragraph 1 from another FIU.	5. Member States shall ensure that the FIU to whom the request is made is required to use the whole range of its available powers which it would normally use domestically for receiving and analysing information when it replies to a request for information referred to in paragraph 1 from another FIU. Text Origin: Commission Proposal

Article 24(5), second subparagraph

369	When an FIU seeks to obtain additional information from an obliged entity established in another Member State which operates on the territory of its Member State, the request shall be addressed to the FIU of the Member State in whose territory the obliged entity is established. That FIU shall obtain information in accordance with	When an FIU seeks to obtain additional information from an obliged entity established in another Member State which operates on the territory of its Member State, the request shall be addressed to the FIU of the Member State in whose territory the obliged entity is established. That FIU shall obtain information in accordance with	When an FIU seeks to obtain additional information from an obliged entity established in another Member State which operates on the territory of its Member State, the request shall be addressed to the FIU of the Member State in whose territory the obliged entity is established. That FIU shall obtain information in accordance with	When an FIU seeks to obtain additional information from an obliged entity established in another Member State which operates on the territory of its Member State, the request shall be addressed to the FIU of the Member State in whose territory the obliged entity is established. That FIU shall obtain information in accordance with

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 50(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and transfer the answers promptly.	Article 50(1) of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ and transfer the answers promptly.	Article 50(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and transfer the answers promptly. <u>Obliqed entities shall provide information to their respective competent FIUs which shall then forward the requested information to the requesting FIU.</u>	Article 50(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and transfer the answers promptly. EP addition covered in article 51 AMLR Text Origin: Commission Proposal TM15 of 12102023
Article 24(6)				
370	6. Member States shall ensure that where an FIU is requested to provide information pursuant to paragraph 1, it shall respond to the request as soon as possible and in any case no later than seven days after the receipt of the request. In exceptional, duly justified cases, this time limit may be extended to a maximum of 14 calendar days. Where the requested FIU is unable to obtain the requested information, it shall inform the requesting FIU thereof.	6. Member States shall ensure that where an FIU is requested to provide information pursuant to paragraph 1, it shall respond to the request as soon as possible ~~and in any case no later than seven days after the receipt of the request. In exceptional, duly justified cases, this time limit may be extended to a maximum of 14 calendar days.~~ Where the requested FIU is unable to obtain the requested information, it shall inform the requesting FIU thereof.	6. Member States shall ensure that where an FIU is requested to provide information pursuant to paragraph 1, it shall respond to the request <u>and provide the requested information</u> as soon as possible and in any case no later than seven days after the receipt of the request. In exceptional, duly justified cases, this time limit may be extended to a maximum of 14 calendar days. Where the requested FIU is unable to obtain the requested information, it shall inform the requesting FIU thereof.	EC: proposal to test working out situations in a more granular approach (urgency, easily accessible information, existing databases). EC to revert
Article 24(7), first subparagraph				
371	7. Member States shall ensure that in exceptional, justified and urgent cases and, by way of derogation from paragraph 6, where pursuant to paragraph 1 an FIU is requested to	7. Member States shall ensure that ~~in exceptional, justified and urgent cases and, by way of derogation from paragraph 6,~~ where pursuant to paragraph 1 an FIU is requested to	7. Member States shall ensure that in exceptional, justified and urgent cases and, by way of derogation from paragraph 6, where pursuant to paragraph 1 an FIU is requested to	EC to revert

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	provide information which is either held in a database or registry directly accessible by the requested FIU or which is already in its possession, the requested FIU shall provide that information no later than 24 hours after the receipt of the request.	provide information which is either held in a database or registry directly accessible by the requested FIU or which is already in its possession, the requested FIU shall provide that information ~~no later than 24 hours after the receipt of the request~~ <u>without undue delay</u> .	provide information which is either held in a database or registry directly accessible by the requested FIU or which is already in its possession, the requested FIU shall provide that information no later than 24 hours after the receipt of the request.	
Article 24(7), second subparagraph				
372	If the requested FIU is unable to respond within 24 hours or cannot access the information directly, it shall provide a justification. Where the provision of the information requested within the period of 24 hours would put a disproportionate burden on the requested FIU, it may postpone the provision of the information. In that case the requested FIU shall immediately inform the requesting FIU of this postponement and shall provide the requested information as soon as possible, but not later than within three calendar days.	<u>In exceptional, justified and urgent cases</u> , if the requested FIU is unable to respond within ~~24 hours~~ <u>3 working days</u> or cannot access the information directly, it shall ~~provide a justification. Where the provision of the information requested within the period of 24 hours would put a disproportionate burden on the requested FIU, it may postpone the provision of the information. In that case the requested FIU shall~~ immediately inform the requesting FIU ~~of this postponement~~ and shall provide the requested information as soon as possible, ~~but not later than within three calendar days~~ .	If the requested FIU is unable to respond within 24 hours or cannot access the information directly, it shall provide a justification. Where the provision of the information requested within the period of 24 hours would put a disproportionate burden on the requested FIU, it may postpone the provision of the information. In that case the requested FIU shall immediately inform the requesting FIU of this postponement and shall provide the requested information as soon as possible, but not later than within three calendar days.	<u>EC to revert</u>
Article 24(8), first subparagraph				
373	8. An FIU may refuse to exchange information only in exceptional circumstances where the exchange could be contrary to fundamental	8. An FIU may refuse to exchange information only in exceptional circumstances where the exchange could be contrary to fundamental	8. An FIU may refuse to exchange information only in exceptional circumstances where the exchange could be contrary to fundamental	8. An FIU may refuse to exchange information only in exceptional circumstances where the exchange could be contrary to fundamental

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	principles of its national law. Those exceptional circumstances shall be specified in a way which prevents misuse of, and undue limitations on, the free exchange of information for analytical purposes.	principles of its national law. Those exceptional circumstances shall be specified in a way which prevents misuse of, and undue limitations on, the free exchange of information for analytical purposes.	principles of its national law. Those exceptional circumstances shall be specified in a way which prevents misuse of, and undue limitations on, the free exchange of information for analytical purposes.	principles of its national law. Those exceptional circumstances shall be specified in a way which prevents misuse of, and undue limitations on, the free exchange of information for analytical purposes. Text Origin: Commission Proposal
Article 24(8a)				
373a			<u>By ... [18 months after the date of transposition of this Directive], the Commission shall publish a report outlining notifications of exceptional circumstances referred to in the first subparagraph. The Commission shall publish additional reports in case of updates to those notifications. The Commission shall assess in that report whether or not the exceptional circumstances notified are justified.</u>	<u>8a. - (deleted)</u> covered under line 374 Text Origin: EP Mandate TM15 of 12.10.2023
Article 24(8), second subparagraph				
374	By [1 year after the date of transposition of this Directive], Member States shall notify to the Commission the exceptional circumstances referred to in the first subparagraph. Member States shall update such notifications where	By <u>[1 year after the date of transposition of this Directive]</u> ~~[1 year after the date of transposition of this Directive]~~ , Member States shall notify to the Commission the exceptional circumstances referred to in the first subparagraph. Member	By [1 year after the date of transposition of this Directive], Member States shall notify to the Commission the exceptional circumstances referred to in the first subparagraph. Member States shall update such notifications where	By [1 year after the date of transposition of this Directive], Member States shall notify to the Commission the exceptional circumstances referred to in the first subparagraph. Member States shall update such notifications where

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	changes to the exceptional circumstances identified at national level occur.	States shall update such notifications where changes to the exceptional circumstances identified at national level occur.	changes to the exceptional circumstances identified at national level occur.	changes to the exceptional circumstances identified at national level occur. <u>The Commission shall publish the consolidated list of such notifications.</u> <u>[By ... [[18 months] after the date of transposition of this Directive], the Commission shall submit a report to the European Parliament and Council assessing whether the exceptional circumstances notified pursuant to the second subparagraph are justified.]</u> Timing for EC report open for further consideration (alternative is to have a longer reference period) Text Origin: Commission Proposal TM15 of 12.10.2023

Article 25

375	Article 25 Joint analyses	Article 25 Joint analyses	Article 25 Joint analyses	Article 25 Joint analyses

Text Origin: Commission Proposal

Article 25(1)

376	1. Member States shall ensure that their FIUs are able to carry out joint	1. Member States shall ensure that their FIUs are able to carry out joint	1. Member States shall ensure that their FIUs are able to carry out joint	1. Member States shall ensure that their FIUs are able to carry out joint

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	analyses of suspicious transactions and activities.	analyses of suspicious transactions and activities.	analyses of suspicious transactions and activities.	analyses of suspicious transactions and activities. Text Origin: Commission Proposal
Article 25(2)				
377	2. For the purpose of paragraph 1, the relevant FIUs, assisted by AMLA in accordance with Article 33 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final], shall set up a joint analysis team for a specific purpose and limited period, which may be extended by mutual consent, to carry out operational analyses of suspicious transactions or activities involving one or more of the FIUs setting up the team.	2. For the purpose of paragraph 1, the relevant FIUs, assisted by AMLA in accordance with Article 33 of Regulation <u>[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]</u> ~~[please insert reference—proposal for establishment of an Anti-Money Laundering Authority—COM/2021/421 final]~~ , shall set up a joint analysis team for a specific purpose and limited period, which may be extended by mutual consent, to carry out operational analyses of suspicious transactions or activities involving one or more of the FIUs setting up the team.	2. For the purpose of paragraph 1, the relevant FIUs, assisted by AMLA in accordance with Article 33 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final], shall set up a joint analysis team for a specific purpose and limited period, which may be extended by mutual consent, to carry out operational analyses of suspicious transactions or activities involving one or more of the FIUs setting up the team.	2. For the purpose of paragraph 1, the relevant FIUs, assisted by AMLA in accordance with Article 33 of Regulation <u>[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]</u> ~~[please insert reference—proposal for establishment of an Anti-Money Laundering Authority—COM/2021/421 final]~~ , shall set up a joint analysis team for a specific purpose and limited period, which may be extended by mutual consent, to carry out operational analyses of suspicious transactions or activities involving one or more of the FIUs setting up the team. Text Origin: Council Mandate TM15 of 12.10.2023
Article 25(3), first subparagraph				
378	3. A joint analysis team may be set up where:	3. A joint analysis team may be set up where:	3. A joint analysis team may be set up where:	3. A joint analysis team may be set up where:

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 25(3), first subparagraph, point (a)				
379	(a) an FIU's operational analyses require difficult and demanding analyses having links with other Member States;	(a) an FIU's operational analyses require difficult and demanding analyses having links with other Member States;	(a) an FIU's operational analyses require difficult and demanding analyses having links with other Member States;	(a) an FIU's operational analyses require difficult and demanding analyses having links with other Member States; Text Origin: Commission Proposal
Article 25(3), first subparagraph, point (b)				
380	(b) a number of FIUs are conducting operational analyses in which the circumstances of the case necessitate coordinated, concerted action in the Member States involved.	(b) a number of FIUs are conducting operational analyses in which the circumstances of the case necessitate coordinated, concerted action in the Member States involved.	(b) a number of FIUs are conducting operational analyses in which the circumstances of the case ~~necessitate~~ <u>justify or merit</u> coordinated, concerted action in the Member States involved.	(b) a number of FIUs are conducting operational analyses in which the circumstances of the case ~~necessitate coordinated~~ <u>justify</u> , concerted action in the Member States involved. Text Origin: EP Mandate TM15 of 12.10.2023
Article 25(3), first subparagraph, point (ba)				
380a			<u>(ba) an FIU deems it appropriate and useful for the purposes of ensuring that a specific analysis and the results thereof are of better quality, exploiting potential synergies and the possibility of using information from different sources, or obtaining</u>	EP to revert

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>comprehensive information concerning the anomalous activities underlying that specific analysis.</u>	
Article 25(3), second subparagraph				
381	A request for the setting up of a joint analysis team may be made by any of the FIUs concerned.	A request for the setting up of a joint analysis team may be made by any of the FIUs concerned.	A request for the setting up of a joint analysis team may be made by any of the FIUs concerned <u>or AMLA, under the conditions laid down in paragraph 3a.</u>	EC to revert AMLA related
Article 25(3a)				
381a			<u>Provided that no FIU has submitted a request for the setting up of a joint analysis team, AMLA may set up such a team on its own initiative where it identifies cases in which:</u> <u>(a) an FIU's operational analyses require difficult and demanding analyses having links with other Member States;</u> <u>(b) a number of FIUs are conducting operational analyses where the circumstances necessitate coordinated, concerted action in the Member States involved;</u> <u>(c) it has received information indicating a suspicion of money laundering or financing of terrorism that could affect the internal market or relate to cross-border activities.</u>	EC to revert AMLA related

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 25(4)				
382	4. Member States shall ensure that the member of their FIU allocated to the joint analysis team is able, in accordance with his or her national law and within the limits of his or her competence, to provide the team with information available to its FIU for the purpose of the analysis conducted by the team.	4. Member States shall ensure that the member of their FIU allocated to the joint analysis team is able, in accordance with his or her national law and within the limits of his or her competence, to provide the team with information available to its FIU for the purpose of the analysis conducted by the team.	4. Member States shall ensure that the member of their FIU allocated to the joint analysis team is able, in accordance with his or her national law and within the limits of his or her competence, to provide the team with information available to its FIU for the purpose of the analysis conducted by the team.	4. Member States shall ensure that the member of their FIU allocated to the joint analysis team is able, in accordance with his or her national law and within the limits of his or her competence, to provide the team with information available to its FIU for the purpose of the analysis conducted by the team. Text Origin: Commission Proposal
Article 25(5)				
383	5. Where the joint analysis team needs assistance from an FIU other than those which are part of the team, it might request that other FIU to:	5. Where the joint analysis team needs assistance from an FIU other than those which are part of the team, it might request that other FIU to:	5. Where the joint analysis team needs assistance from an FIU other than those which are part of the team, it might request that other FIU to:	5. Where the joint analysis team needs assistance from an FIU other than those which are part of the team, it might request that other FIU to: Text Origin: Commission Proposal
Article 25(5), point (a)				
384	(a) join the joint analysis team;	(a) join the joint analysis team;	(a) join the joint analysis team;	(a) join the joint analysis team; Text Origin: Commission Proposal
Article 25(5), point (b)				
385				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	(b) submit financial intelligence and financial information to the joint analysis team.	(b) submit financial intelligence and financial information to the joint analysis team.	(b) submit financial intelligence and financial information to the joint analysis team.	(b) submit financial intelligence and financial information to the joint analysis team. Text Origin: Commission Proposal
Article 26				
386	Article 26 Use by FIUs of information exchanged between them	Article 26 Use by FIUs of information exchanged between them	Article 26 Use by FIUs of information exchanged between them	Article 26 Use by FIUs of information exchanged between them Text Origin: Commission Proposal
Article 26, first paragraph				
387	Information and documents received pursuant to Articles 22 and 24 shall be used for the accomplishment of the FIU's tasks as laid down in this Directive. When exchanging information and documents pursuant to Articles 22 and 24, the transmitting FIU may impose restrictions and conditions for the use of that information. The receiving FIU shall comply with those restrictions and conditions.	Information and documents received pursuant to Articles 22, <u>24 and 25</u> ~~and 24~~ shall be used for the accomplishment of the FIU's tasks as laid down in this Directive. When exchanging information and documents pursuant to Articles 22 and 24, the transmitting FIU may impose restrictions and conditions for the use of that information. The receiving FIU shall comply with those restrictions and conditions.	Information and documents received pursuant to Articles 22 and 24 shall be used for the accomplishment of the FIU's tasks as laid down in this Directive. When exchanging information and documents pursuant to Articles 22 and 24, the transmitting FIU may impose restrictions and conditions for the use of that information. The receiving FIU shall comply with those restrictions and conditions.	Information and documents received pursuant to Articles 22, <u>24 and 25</u> ~~and 24~~ shall be used for the accomplishment of the FIU's tasks as laid down in this Directive. When exchanging information and documents pursuant to Articles 22 and 24, the transmitting FIU may impose restrictions and conditions for the use of that information. The receiving FIU shall comply with those restrictions and conditions. To be revisited/adjusted based on EC non-paper on home/host AMLR related

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Council Mandate TM15 of 12.10.2023
Article 26, second paragraph				
388	Member States shall ensure that FIUs designate at least one contact person or point to be responsible for receiving requests for information from FIUs in other Member States.	Member States shall ensure that FIUs designate at least one contact person or point to be responsible for receiving requests for information from FIUs in other Member States.	Member States shall ensure that FIUs designate at least one contact person or point to be responsible for receiving requests for information from FIUs in other Member States.	Member States shall ensure that FIUs designate at least one contact person or point to be responsible for receiving requests for information from FIUs in other Member States. Text Origin: Commission Proposal
Article 27				
389	Article 27 Consent to further dissemination of information exchanged between FIUs	Article 27 Consent to further dissemination of information exchanged between FIUs	Article 27 Consent to further dissemination of information exchanged between FIUs	Article 27 Consent to further dissemination of information exchanged between FIUs Text Origin: Commission Proposal
Article 27(1)				
390	1. Member States shall ensure that the information exchanged pursuant to Articles 22 and 24 is used only for the purpose for which it was sought or provided and that any dissemination of that information by the receiving FIU to any other authority, agency or department, or any use of this information for	1. Member States shall ensure that the information exchanged pursuant to Articles 22, ~~24 and 25~~ and ~~24~~ is used only for the purpose for which it was sought or provided and that any dissemination of that information by the receiving FIU to any other authority, agency or department, or any use of this	1. Member States shall ensure that the information exchanged pursuant to Articles 22 and 24 is used only for the purpose for which it was sought or provided and that any dissemination of that information by the receiving FIU to any other authority, agency or department, or any use of this information for	1. Member States shall ensure that the information exchanged pursuant to Articles 22 and 24 <u>and 25</u> is used only for the purpose for which it was sought or provided and that any dissemination of that information by the receiving FIU to any other authority, agency or department, or any use of this

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	purposes beyond those originally approved, is made subject to the prior consent by the FIU providing the information.	information for purposes beyond those originally approved, is made subject to the prior consent by the FIU providing the information.	purposes beyond those originally approved, is made subject to the prior consent by the FIU providing the information.	information for purposes beyond those originally approved, is made subject to the prior consent by the FIU providing the information. to be revisited/adjusted based on EC non-paper on home/host EC: this article should be focused to national dissemination of domestic FIU analysis. Issue of consent of dissemination for joint analysis (reference to art 25) to be covered directly in article 25 (new EC drafting proposals to be considered) AMLR related EC to revert Text Origin: Council Mandate TM15 of 12102023
Article 27(1a)				
390a				
Article 27(1b)				
390b				
Article 27(2)				
391	2. Member States shall ensure that the requested FIU's prior consent to disseminate the information to competent authorities is granted	2. Member States shall ensure that the requested FIU's prior consent to disseminate the information to competent authorities is granted	2. Member States shall ensure that the requested FIU's prior consent to disseminate the information to competent authorities is granted	2. Member States shall ensure that the requested FIU's prior consent to disseminate the information to competent authorities is granted

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	promptly and to the largest extent possible, regardless of the type of predicate offences. The requested FIU shall not refuse its consent to such dissemination unless this would fall beyond the scope of application of its AML/CFT provisions or could lead to impairment of an investigation, or would otherwise not be in accordance with fundamental principles of national law of that Member State. Any such refusal to grant consent shall be appropriately explained. The cases where FIUs may refuse to grant consent shall be specified in a way which prevents misuse of, and undue limitations to, the dissemination of information to competent authorities.	promptly and to the largest extent possible, regardless of the type of predicate offences. The requested FIU shall not refuse its consent to such dissemination unless this would fall beyond the scope of application of its AML/CFT provisions or could lead to impairment of an investigation, or would otherwise not be in accordance with fundamental principles of national law of that Member State. Any such refusal to grant consent shall be <u>explicitly stated and</u> appropriately explained. The cases where FIUs may refuse to grant consent shall be specified in a way which prevents misuse of, and undue limitations to, the dissemination of information to competent authorities.	promptly and to the largest extent possible, regardless of the type of predicate offences <u>and whether or not the predicate offence has been identified</u> . The requested FIU shall not refuse its consent to such dissemination unless this would fall beyond the scope of application of its AML/CFT provisions or could lead to impairment of an investigation, or would otherwise not be in accordance with fundamental principles of national law of that Member State. Any such refusal to grant consent shall be appropriately explained. The cases where FIUs may refuse to grant consent shall be specified in a way which prevents misuse of, and undue limitations to, the dissemination of information to competent authorities.	promptly and to the largest extent possible, regardless of the type of predicate offences <u>and whether or not the predicate offence has been identified</u> . The requested FIU shall not refuse its consent to such dissemination unless this would fall beyond the scope of application of its AML/CFT provisions or could lead to impairment of an investigation, or would otherwise not be in accordance with fundamental principles of national law of that Member State. Any such refusal to grant consent shall be appropriately explained. The cases where FIUs may refuse to grant consent shall be specified in a way which prevents misuse of, and undue limitations to, the dissemination of information to competent authorities. Text Origin: Council Mandate TM15 of 12.10.2023
Article 27(2a)				
391a			<u>2a. By ... [one year after the date of transposition of this Directive], Member States shall notify to the Commission the exceptional circumstances in which dissemination would not be in accordance with fundamental principles of national law referred to in paragraph 2. Member States</u>	<u>2a. By [1 year after the date of transposition of this Directive], Member States shall notify to the Commission the exceptional circumstances in which dissemination would not be in accordance with fundamental principles of national law referred to in paragraph 2.</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>shall update such notifications where the exceptional circumstances in which dissemination would not be in accordance with fundamental principles of national law change.</u>	<u>Member States shall update such notifications where changes to the exceptional circumstances identified at national level occur. The Commission shall publish the consolidated list of such notifications.</u> <u>[By ... [18 months] after the date of transposition of this Directive], the Commission shall submit a report to the European Parliament and Council assessing whether the exceptional circumstances notified pursuant to the this paragraph are justified.]</u> linked to line 374 - drafting of consistency EC to revert TM15 of 12.10.2023
Article 27(2b)				
391b			<u>2b. By ... [18 months after the date of transposition of this Directive], the Commission shall publish a report outlining the notifications of exceptional circumstances referred to in the paragraph 2a. The Commission shall publish additional reports in case of updates to those notifications. The Commission shall assess in those</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>reports whether the notified exceptional circumstances are justified or not.</u>	
Article 27a				
391c			<u>Article 27a</u> <u>Transmission of information to EPPO</u> <u>Where there are grounds to suspect money laundering or its associated predicate offences in respect of which the EPPO could exercise its competence or has exercised its competence in accordance with Article 22 or Article 25(2) and (3) of Council Regulation (EU) 2017/1939¹, Member States shall ensure that the FIU disseminates the following information in accordance with the principles laid down in that Regulation:</u> <u>(a) relevant information; and</u> <u>(b) the results of its analyses.</u> <u>1. 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).</u>	linked to EC non-paper on transmission to OLAF AMLR related EP to revert
Article 28				
392	Article 28 Effect of criminal law provisions	Article 28 Effect of criminal law provisions	Article 28 Effect of criminal law provisions	Article 28 Effect of criminal law provisions

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 28, first paragraph				
393	Differences between national law definitions of predicate offences shall not impede the ability of FIUs to provide assistance to another FIU and shall not limit the exchange, dissemination and use of information pursuant to Articles 24, 26 and 27.	Differences between national law definitions of predicate offences shall not impede the ability of FIUs to provide assistance to another FIU and shall not limit the exchange, dissemination and use of information pursuant to Articles 24, 25 , 26 and 27.	Differences between national law definitions of predicate offences shall not impede the ability of FIUs to provide assistance to another FIU and shall not limit the exchange, dissemination and use of information pursuant to Articles 24, 26 and 27.	
CHAPTER IV				
394	CHAPTER IV ANTI-MONEY LAUNDERING SUPERVISION	CHAPTER IV ANTI-MONEY LAUNDERING SUPERVISION	CHAPTER IV ANTI-MONEY LAUNDERING SUPERVISION	CHAPTER IV ANTI-MONEY LAUNDERING SUPERVISION Text Origin: Commission Proposal
Section 1				
395	Section 1 General provisions	Section 1 General provisions	Section 1 General provisions	Section 1 General provisions Text Origin: Commission Proposal
Article 29				
396	Article 29 Powers and resources of national	Article 29 Powers and resources of national	Article 29 Powers and resources of national	Article 29 Powers and resources of national

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	supervisors	supervisors	supervisors	supervisors Text Origin: Commission Proposal
Article 29(1)				
397	1. Member States shall ensure that all obliged entities are subject to adequate supervision. To that end, Member States shall appoint supervisors to monitor effectively, and to take the measures necessary to ensure, compliance by the obliged entities with the requirements set out in Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and with the requirement to implement targeted financial sanctions.	1. Member States shall ensure that all obliged entities are subject to adequate supervision. To that end, Member States shall appoint supervisors to monitor effectively, and to take the measures necessary to ensure, compliance by the obliged entities with the requirements set out in Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], requirements set out in Regulation [please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ and with the requirement to implement targeted financial sanctions.	1. Member States shall ensure that all obliged entities are subject to adequate, <u>effective and independent</u> supervision. To that end, Member States shall appoint supervisors to monitor effectively, and to take the measures necessary to ensure, compliance by the obliged entities with the requirements set out in ~~Regulation~~ <u>Regulations ...</u> [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] <u>and ... [please insert reference to the Funds Transfer Regulation - 2021/0241(COD)]</u> and with the requirement to implement targeted financial sanctions. <u>Where Member States have more than one supervisor, they shall appoint one leading supervisor in order to ensure proper coordination.</u>	1. Member States shall ensure that all obliged entities are subject to adequate <u>and effective</u> supervision. To that end, Member States shall appoint supervisors to monitor effectively, and to take the measures necessary to ensure, compliance by the obliged entities with the requirements set out in Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and <u>Regulation [please insert reference to the Funds Transfer Regulation - 2021/0241(COD)]</u> <u>[and]</u> with the requirement to implement targeted financial sanctions- <u>]</u> EP to revert CONS to revert Text Origin: EP Mandate TM5 17072023 TM6 20072023
Article 29(1a)				
397a			<u>1a. Supervisors shall participate in, and contribute to, the activities</u>	<u>1a. -</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>of the European AML/CFT Supervisory system, in accordance with Regulation ... [please insert reference to the AMLA Regulation - 2021/0240(COD)]. They shall in particular:</u> <u>(a) participate in joint supervisory teams as an integral part of their tasks, as well as in other activities undertaken by AMLA pursuant to its mandate;</u> <u>(b) provide AMLA with the data and information required to fulfil its tasks, as well as to implement measures taken by AMLA in accordance with Regulation ... [please insert reference to the AMLA Regulation - 2021/0240(COD)] and other applicable Union law.</u> <u>All information obtained by supervisors through the participation in AMLA's activities shall be covered by the strictest confidentiality.</u>	To be covered under AMLA AMLA related TM5 17072023
Article 29(2)				
398	2. Member States shall ensure that supervisors have adequate financial, human and technical resources to perform their tasks as listed in paragraph 4. Member States shall ensure that staff of those authorities are of high integrity and appropriately skilled, and maintain	2. Member States shall ensure that supervisors have adequate financial, human and technical resources to perform their tasks as listed in paragraph 4. Member States shall ensure that staff of those authorities are of high integrity and appropriately skilled, and maintain	2. Member States shall ensure that supervisors have adequate financial, human and technical resources to perform their tasks as listed in paragraph 4. Member States shall ensure that staff of those authorities are of high integrity and appropriately skilled, and maintain	2. Member States shall ensure that supervisors have adequate financial, human and technical resources to perform their tasks as listed in paragraph 4. Member States shall ensure that staff of those authorities are of high integrity and appropriately skilled, and maintain

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	high professional standards, including standards of confidentiality, data protection and standards addressing conflicts of interest.	high professional standards, including standards of confidentiality, data protection and standards addressing conflicts of interest.	high professional standards, including standards of confidentiality, data protection and standards addressing conflicts of interest.	high professional standards, including standards of confidentiality, data protection and standards addressing conflicts of interest. Text Origin: Commission Proposal
Article 29(3)				
399	3. In the case of the obliged entities referred to in Article 3, points (3)(a), (b) and (d), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], Member States may allow the function referred to in paragraph 1 of this Article to be performed by self-regulatory bodies, provided that those self-regulatory bodies have the powers referred to in paragraph 5 of this Article and have adequate financial, human and technical resources to perform their functions. Member States shall ensure that staff of those bodies are of high integrity and appropriately skilled, and that they maintain high professional standards, including standards of confidentiality, data protection and standards addressing conflicts of interest.	3. In the case of the obliged entities referred to in Article 3, points (3)(a), (b) and (d), of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ , Member States may allow the function referred to in paragraph 1 of this Article to be performed by self-regulatory bodies, provided that those self-regulatory bodies have the powers referred to in paragraph 5 of this Article and have adequate financial, human and technical resources to perform their functions. Member States shall ensure that staff of those bodies are of high integrity and appropriately skilled, and that they maintain high professional standards, including standards of confidentiality, data protection and standards addressing conflicts of	3. In the case of the obliged entities referred to in Article 3, points (3)(a), ~~(b) and (d)~~ <u>and (b)</u> , of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], Member States may allow the function referred to in paragraph 1 of this Article to be performed by self-regulatory bodies, provided that those self-regulatory bodies have the powers referred to in paragraph 5 of this Article and have adequate financial, human and technical resources to perform their functions. Member States shall ensure that staff of those bodies are of high integrity and appropriately skilled, and that they maintain high professional standards, including standards of confidentiality, data protection and standards addressing conflicts of interest.	3. In the case of the obliged entities referred to in Article 3, points (3)(a), ~~(b) and (d)~~ <u>and (b)</u> , of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], Member States may allow the function referred to in paragraph 1 of this Article to be performed by self-regulatory bodies, provided that those self-regulatory bodies have the powers referred to in paragraph 5 of this Article and have adequate financial, human and technical resources to perform their functions. Member States shall ensure that staff of those bodies are of high integrity and appropriately skilled, and that they maintain high professional standards, including standards of confidentiality, data protection and standards addressing conflicts of interest. Text Origin: EP Mandate TM5 17072023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		interest.		TM8 05092023
Article 29(3b)				
399a			<u>3a. By ... [two years after the date of transposition of this Directive], AMLA shall, after consulting EBA, issue guidelines addressed to supervisors on the fulfilment of the requirements laid down in paragraphs 2 and 3.</u>	-- to be covered by article 31(4) on guidelines on risk-based supervision CONS to revert Text Origin: EP Mandate TM5 17072023 TM6 20072023
Article 29(3a)				
399b				<u>3a. Where a Member State entrusted supervision of a category of obliged entities to more than one supervisor, it shall ensure that supervision under this Article is performed in a consistent and efficient manner across the sector. To that end, that Member State shall appoint a leading supervisor or establish a coordination mechanism among those supervisors.</u> <u>Where Member States have entrusted supervision of all obliged entities to more than one supervisor, they shall ensure that a coordination mechanism is set up to ensure effective supervision of the</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				<u>highest standards. Such coordination mechanism shall include all supervisors, except where:</u> <u>(a) supervision is entrusted to a self-regulatory body, in which case the Authority referred to in Article 38 shall participate in the mechanism;</u> <u>(b) supervision of a category of obliged entity is entrusted to several supervisors, in which case the lead supervisor shall participate in the mechanism. Where no lead supervisor has been appointed, supervisors shall designate a representative among them.</u> CONS to revert text based on EC compromise text TM6 20072023 TM9 06092023
Article 29(4)				
400	4. For the purposes of paragraph 1, Member States shall ensure that the national supervisors perform the following tasks:	4. For the purposes of paragraph 1, Member States shall ensure that the national supervisors perform the following tasks:	4. For the purposes of paragraph 1, Member States shall ensure that the national supervisors perform the following tasks:	4. For the purposes of paragraph 1, Member States shall ensure that the national supervisors perform the following tasks: Text Origin: Commission Proposal
Article 29(4), point (a)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
401	(a) to disseminate relevant information to obliged entities pursuant to Article 30;	(a) to disseminate relevant information to obliged entities pursuant to Article 30;	(a) to disseminate relevant information to obliged entities pursuant to Article 30;	(a) to disseminate relevant information to obliged entities pursuant to Article 30; Text Origin: Commission Proposal
Article 29(4), point (b)				
402	(b) to decide of those cases where the specific risks inherent in a sector are clear and understood and individual documented risk assessments pursuant to Article 8 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] are not required;	(b) to decide of those cases where the specific risks inherent in a sector are clear and understood and individual documented risk assessments pursuant to Article 8 of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ are not required;	(b) to decide of those cases where the specific risks inherent in a sector are clear and understood and individual documented risk assessments pursuant to Article 8 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] are not required;	(b) to decide of those cases where the specific risks inherent in a sector are clear and understood and individual documented risk assessments pursuant to Article 8 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] are not required; Text Origin: Commission Proposal
Article 29(4), point (c)				
403	(c) to verify the adequacy and implementation of the internal policies, controls and procedures of obliged entities pursuant to Chapter II of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and of the human resources allocated to the	(c) to verify the adequacy and implementation of the internal policies, controls and procedures of obliged entities pursuant to Chapter II of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money~~	(c) to verify the adequacy and implementation of the internal policies, controls and procedures of obliged entities pursuant to Chapter II of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and of the human resources allocated to the	(c) to verify the adequacy and implementation of the internal policies, ~~controls and procedures~~ <u>procedures and controls</u> of obliged entities pursuant to Chapter II of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and of the

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	performance of the tasks required under that Regulation;	~~Laundrying Regulation – COM/2021/420 final~~ and of the human resources allocated to the performance of the tasks required under that Regulation;	performance of the tasks required under that Regulation;	human resources allocated to the performance of the tasks required under that Regulation; technical alignment with AMLR Text Origin: Commission Proposal TM6 20072023
Article 29(4), point (d)				
404	(d) to regularly assess and monitor the money laundering and terrorist financing risks the obliged entities are exposed to;	(d) to regularly assess and monitor the money laundering and terrorist financing risks the obliged entities are exposed to;	(d) to regularly assess and monitor the money laundering and terrorist financing risks the obliged entities are exposed to;	(d) to regularly assess and monitor the money laundering and terrorist financing risks the obliged entities are exposed to; Text Origin: Commission Proposal
Article 29(4), point (e)				
405	(e) to monitor compliance by obliged entities with regard to their obligations in relation to targeted financial sanctions;	(e) to monitor compliance by obliged entities with regard to their obligations in relation to targeted financial sanctions;	(e) to monitor compliance by obliged entities with regard to their obligations in relation to targeted financial sanctions;	(e) to monitor compliance by obliged entities with regard to their obligations in relation to targeted financial sanctions; TFS Text Origin: Commission Proposal
Article 29(4), point (f)				
406	(f) to conduct all the necessary off-site, on-site and thematic	(f) to conduct all the necessary off-site, on-site and thematic	(f) to conduct all the necessary off-site, on-site and thematic	(f) to conduct all the necessary off-site, on-site and thematic

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	investigations and any other inquiries, assessments and analyses necessary to verify that obliged entities comply with the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], with the requirement to implement targeted financial sanctions, and with any administrative measures taken pursuant to Article 41;	investigations and any other inquiries, assessments and analyses necessary to verify that obliged entities comply with the requirements of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ , with the requirement to implement targeted financial sanctions, and with any administrative measures taken pursuant to Article 41;	investigations and any other inquiries, assessments and analyses necessary to verify that obliged entities comply with the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], with the requirement to implement targeted financial sanctions, and with any administrative measures taken pursuant to Article 41;	investigations and any other inquiries, assessments and analyses necessary to verify that obliged entities comply with the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], <u>[</u> with the requirement to implement targeted financial sanctions <u>]</u> , and with any administrative measures taken pursuant to Article 41; TFS Text Origin: Commission Proposal

Article 29(4), point (g)

407	(g) to take appropriate supervisory measures to address any breaches of applicable requirements by the obliged entities identified in the process of supervisory assessments and follow up on the implementation of such measures.	(g) to take appropriate supervisory measures to address any breaches of applicable requirements by the obliged entities identified in the process of supervisory assessments and follow up on the implementation of such measures.	(g) to <u>respond without undue delay to any suspicion of non-compliance with applicable requirements on the part of supervised obliged entities</u> and take appropriate supervisory measures to address any breaches of applicable requirements by the obliged entities identified in the process of supervisory assessments and follow up on the implementation of such measures.	(g) to <u>-</u> take appropriate supervisory measures to address any breaches of applicable requirements by the obliged entities identified in the process of supervisory assessments and follow up on the implementation of such measures. TM5 17072023 TM6 20072023 TM9 06092023

Article 29(4), point (ga)

407a			<u>(ga) to take appropriate</u>	<u>(ga) -</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>supervisory measures to address allegations of breaches of applicable requirements following public revelations, or information brought to their knowledge through private channels, in particular through the mechanisms provided for in Article 43.</u>	covered by line 429 EC to revert TM5 17072023
Article 29(5)				
408	5. Member States shall ensure that supervisors have adequate powers to perform their tasks as provided in paragraph 4, including the power to:	5. Member States shall ensure that supervisors have adequate powers to perform their tasks as provided in paragraph 4, including the power to:	5. Member States shall ensure that supervisors have adequate powers to perform their tasks as provided in paragraph 4, including the power to:	5. Member States shall ensure that supervisors have adequate powers to perform their tasks as provided in paragraph 4, including the power to: Text Origin: Commission Proposal
Article 29(5), point (a)				
409	(a) compel the production of any information from obliged entities which is relevant for monitoring and verifying compliance with the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and to perform checks, including from agents or external service providers to whom the obliged entity has outsourced part of its tasks to meet the requirements of Regulation [please insert reference – proposal	(a) compel the production of any information from obliged entities which is relevant for monitoring and verifying compliance with the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and to perform checks, including from ~~agents or external~~ service providers to whom the obliged entity has outsourced part of its tasks to meet the requirements of Regulation [please insert reference – proposal	(a) compel the production of any information from obliged entities which is relevant for monitoring and verifying compliance with the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and to perform checks, including from agents or external service providers to whom the obliged entity has outsourced part of its tasks to meet the requirements of Regulation [please insert reference – proposal	(a) compel the production of any information from obliged entities which is relevant for monitoring and verifying compliance with the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and to perform checks, including from ~~agents or external~~ service providers to whom the obliged entity has outsourced part of its tasks to meet the requirements of Regulation [please insert reference – proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	for Anti-Money Laundering Regulation - COM/2021/420 final];	for Anti-Money Laundering Regulation - COM/2021/420 final];	for Anti-Money Laundering Regulation - COM/2021/420 final];	for Anti-Money Laundering Regulation - COM/2021/420 final]; Text Origin: Council Mandate TM5 17072023
Article 29(5), point (b)				
410	(b) impose appropriate and proportionate administrative measures to remedy the situation in the case of breaches, including through the imposition of administrative sanctions in accordance with Section 4 of this Chapter.	(b) impose appropriate and proportionate administrative measures to remedy the situation in the case of breaches, including through the imposition of administrative sanctions in accordance with Section 4 of this Chapter.	(b) impose appropriate and proportionate administrative measures to remedy the situation in the case of breaches, including through the imposition of administrative sanctions in accordance with Section 4 of this Chapter.	(b) impose appropriate and proportionate administrative measures to remedy the situation in the case of breaches, including through the imposition of administrative sanctions in accordance with Section 4 of this Chapter. Text Origin: Commission Proposal
Article 29(6), first subparagraph				
411	6. Member States shall ensure that financial supervisors and supervisors in charge of gambling operators have powers additional to those referred to in paragraph 5, including the power to investigate the business premises of the obliged entity without prior announcement where the proper conduct and efficiency of inspection so require, and that they have all the necessary means to carry out such investigation.	6. Member States shall ensure that financial supervisors and supervisors in charge of gambling operators have powers additional to those referred to in paragraph 5, including the power to investigate the business premises of the obliged entity without prior announcement where the proper conduct and efficiency of inspection so require, and that they have all the necessary means to carry out such investigation.	6. Member States shall ensure that financial supervisors and supervisors in charge of gambling operators have powers additional to those referred to in paragraph 5, including the power to investigate the business premises of the obliged entity without prior announcement where the proper conduct and efficiency of inspection so require, and that they have all the necessary means to carry out such investigation.	6. Member States shall ensure that financial supervisors and supervisors in charge of gambling operators have powers additional to those referred to in paragraph 5, including the power to investigate the business premises of the obliged entity without prior announcement where the proper conduct and efficiency of inspection so require, and that they have all the necessary means to carry out such investigation. Text Origin: Commission Proposal

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	Article 29(6), second subparagraph			
412	For the purposes of the first subparagraph, the supervisors shall at least be able to:	For the purposes of the first subparagraph, the supervisors shall at least be able to:	For the purposes of the first subparagraph, the supervisors shall at least be able to:	For the purposes of the first subparagraph, the supervisors shall at least be able to: Text Origin: Commission Proposal
	Article 29(6), second subparagraph, point (a)			
413	(a) examine the books and records of the obliged entity and take copies or extracts from such books and records;	(a) examine the books and records of the obliged entity and take copies or extracts from such books and records;	(a) examine the books and records of the obliged entity and take copies or extracts from such books and records;	(a) examine the books and records of the obliged entity and take copies or extracts from such books and records; Text Origin: Commission Proposal
	Article 29(6), second subparagraph, point (b)			
414	(b) obtain access to any software, databases, IT tools or other electronic means of recording information used by the obliged entity;	(b) obtain access to any software, databases, IT tools or other electronic means of recording information used by the obliged entity;	(b) obtain access to any software, databases, IT tools or other electronic means of recording information used by the obliged entity;	(b) obtain access to any software, databases, IT tools or other electronic means of recording information used by the obliged entity; Text Origin: Commission Proposal
	Article 29(6), second subparagraph, point (c)			
415	(c) obtain written or oral explanations from any person	(c) obtain written or oral explanations from any person	(c) obtain written or oral explanations from any person	(c) obtain written or oral explanations from any person

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	responsible for AML/CFT internal policies and controls or their representatives or staff, as well as any representative or staff of entities to which the obliged entity has outsourced tasks pursuant to Article 40 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], and interview any other person who consents to be interviewed for the purpose of collecting information relating to the subject matter of an investigation.	responsible for AML/CFT internal policies and controls or their representatives or staff, as well as any representative or staff of entities to which the obliged entity has outsourced tasks pursuant to Article ~~406a~~ of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ , and interview any other person who consents to be interviewed for the purpose of collecting information relating to the subject matter of an investigation.	responsible for AML/CFT internal policies and controls or their representatives or staff, as well as any representative or staff of entities to which the obliged entity has outsourced tasks pursuant to Article 40 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], and interview any other person who consents to be interviewed for the purpose of collecting information relating to the subject matter of an investigation.	responsible for AML/CFT internal policies and controls or their representatives or staff, as well as any representative or staff of entities to which the obliged entity has outsourced tasks pursuant to Article ~~40~~ <u>14a</u> of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], and interview any other person who consents to be interviewed for the purpose of collecting information relating to the subject matter of an investigation. Text Origin: Commission Proposal TM6 20072023
Article 30				
416	Article 30 Provision of information to obliged entities	Article 30 Provision of information to obliged entities	Article 30 Provision of information to obliged entities	Article 30 Provision of information to obliged entities Text Origin: Commission Proposal
Article 30(1)				
417	1. Member States shall ensure that supervisors make information on money laundering and terrorist financing available to the obliged entities under their supervision.	1. Member States shall ensure that supervisors make information on money laundering and terrorist financing available to the obliged entities under their supervision.	1. Member States shall ensure that supervisors make information on money laundering and terrorist financing available to the obliged entities under their supervision.	1. Member States shall ensure that supervisors make information on money laundering and terrorist financing available to the obliged entities under their supervision. Text Origin: Commission

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 330/591

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				Proposal
Article 30(2)				
418	2. The information referred to in paragraph 1 shall include the following:	2. The information referred to in paragraph 1 shall include the following:	2. The information referred to in paragraph 1 shall include the following:	2. The information referred to in paragraph 1 shall include the following: Text Origin: Commission Proposal
Article 30(2), point (a)				
419	(a) the supra-national risk assessment drawn up by the Commission pursuant to Article 7 and any relevant recommendation by the Commission on the basis of that Article;	(a) the supra-national risk assessment drawn up by the Commission pursuant to Article 7 and any relevant recommendation by the Commission on the basis of that Article;	(a) the supra-national risk assessment drawn up by the Commission pursuant to Article 7 and any relevant recommendation by the Commission on the basis of that Article;	(a) the supra-national risk assessment drawn up by the Commission pursuant to Article 7 and any relevant recommendation by the Commission on the basis of that Article; Text Origin: Commission Proposal
Article 30(2), point (b)				
420	(b) national or sectoral risk assessments drawn up pursuant to Article 8;	(b) national or sectoral risk assessments drawn up pursuant to Article 8;	(b) national or sectoral risk assessments drawn up pursuant to Article 8;	(b) national or sectoral risk assessments drawn up pursuant to Article 8; Text Origin: Commission Proposal
Article 30(2), point (c)				
421	(c) relevant guidelines,	(c) relevant guidelines,	(c) relevant guidelines,	(c) relevant guidelines,

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	recommendations and opinions issued by AMLA in accordance with Articles 43 and 44 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final];	recommendations and opinions issued by AMLA in accordance with Articles 43 and 44 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final];	recommendations and opinions issued by AMLA in accordance with Articles 43 and 44 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final];	recommendations and opinions issued by AMLA in accordance with Articles 43 and 44 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]; Text Origin: Commission Proposal
Article 30(2), point (d)				
422	(d) information on third countries identified pursuant to Section 2 of Chapter III of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final];	(d) information on third countries identified pursuant to Section 2 of Chapter III of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final];	(d) information on third countries identified pursuant to Section 2 of Chapter III of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final];	(d) information on third countries identified pursuant to Section 2 of Chapter III of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]; Text Origin: Commission Proposal
Article 30(2), point (e)				
423	(e) any guidance and report produced by AMLA and other supervisors and, where relevant, the public authority overseeing self-regulatory bodies, the FIU or any other competent authority or international organisations and standard setters regarding money laundering and terrorist financing methods which might apply to a sector and indications which may	(e) any guidance and report produced by AMLA and other supervisors and, where relevant, the public authority overseeing self-regulatory bodies, the FIU or any other competent authority or international organisations and standard setters regarding money laundering and terrorist financing methods which might apply to a sector and indications which may	(e) any guidance and report produced by AMLA, <u>the European Data Protection Board</u> and other supervisors and, where relevant, the public authority overseeing self-regulatory bodies, the FIU or any other competent authority or international organisations and standard setters regarding money laundering and terrorist financing methods which might apply to a	(e) any guidance and report produced by AMLA ~~and~~ , other supervisors and, where relevant, the public authority overseeing self-regulatory bodies, the FIU or any other competent authority or international organisations and standard setters regarding money laundering and terrorist financing methods which might apply to a sector and indications which may

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	facilitate the identification of transactions or activities at risk of being linked to money laundering and terrorist financing in that sector, as well as on obliged entities' obligations in relation to targeted financial sanctions.	facilitate the identification of transactions or activities at risk of being linked to money laundering and terrorist financing in that sector, as well as on obliged entities' obligations in relation to targeted financial sanctions.	sector and indications which may facilitate the identification of transactions or activities at risk of being linked to money laundering and terrorist financing in that sector, as well as on obliged entities' obligations in relation to targeted financial sanctions.	facilitate the identification of transactions or activities at risk of being linked to money laundering and terrorist financing in that sector, as well as on obliged entities' obligations in relation to targeted financial sanctions. EC to propose recital clarifying that supervisors to be acquainted with EDPB guidance and report and disseminate as appropriate EC to propose drafting on supervisors' outreach to obliged entities EC to revert Text Origin: EP Mandate TM6 20072023

Article 30(2a)

423a				<u>2a. Member States shall ensure that supervisors carry out outreach activities, as appropriate, to inform the obliged entities under their supervision of their obligations.</u> TM9 of 06092023

Article 30(3)

424	3. Member States shall ensure that supervisors make information on persons or entities designated in	3. Member States shall ensure that supervisors make information on persons or entities designated in	3. Member States shall ensure that supervisors make information on persons or entities designated in	3. Member States shall ensure that supervisors make information on persons or entities designated in

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	relation to targeted financial sanctions available to the obliged entities under their supervision immediately.	relation to targeted financial sanctions available to the obliged entities under their supervision immediately.	relation to targeted financial sanctions available to the obliged entities under their supervision immediately.	relation to targeted financial sanctions available to the obliged entities under their supervision immediately. Text Origin: Commission Proposal
Article 31				
425	Article 31 Risk-based supervision	Article 31 Risk-based supervision	Article 31 Risk-based supervision	Article 31 Risk-based supervision Text Origin: Commission Proposal
Article 31(1)				
426	1. Member States shall ensure that supervisors apply a risk-based approach to supervision. To that end, Member States shall ensure that they:	1. Member States shall ensure that supervisors apply a risk-based approach to supervision. To that end, Member States shall ensure that they:	1. Member States shall ensure that supervisors apply a risk-based approach to supervision. To that end, Member States shall ensure that they:	1. Member States shall ensure that supervisors apply a risk-based approach to supervision. To that end, Member States shall ensure that they: Text Origin: Commission Proposal
Article 31(1), point (a)				
427	(a) have a clear understanding of the risks of money laundering and terrorist financing present in their Member State;	(a) have a clear understanding of the risks of money laundering and terrorist financing present in their Member State;	(a) have a clear understanding of the risks of money laundering and terrorist financing present in their Member State;	(a) have a clear understanding of the risks of money laundering and terrorist financing present in their Member State; Text Origin: Commission Proposal

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	Article 31(1), point (b)			
428	(b) assess all relevant information on the specific domestic and international risks associated with customers, products and services of the obliged entities;	(b) assess all relevant information on the specific domestic and international risks associated with customers, products and services of the obliged entities;	(b) assess all relevant information on the specific domestic and international risks associated with customers, products and services of the obliged entities;	(b) assess all relevant information on the specific domestic and international risks associated with customers, products and services of the obliged entities; Text Origin: Commission Proposal
	Article 31(1), point (c)			
429	(c) base the frequency and intensity of on-site, off-site and thematic supervision on the risk profile of obliged entities, and on the risks of money laundering and terrorist financing in that Member State. To that end, supervisors shall draw up annual supervisory programmes.	(c) base the frequency and intensity of on-site, off-site and thematic supervision on the risk profile of obliged entities, and on the risks of money laundering and terrorist financing in that Member State. To that end, supervisors shall draw up annual supervisory programmes.	(c) base the frequency and intensity of on-site, off-site and thematic supervision on the risk profile of obliged entities, and on the risks of money laundering and terrorist financing in that Member State. To that end, supervisors shall draw up annual supervisory programmes.	(c) base the frequency and intensity of on-site, off-site and thematic supervision on the risk profile of obliged entities, and on the risks of money laundering and terrorist financing in that Member State. To that end, supervisors shall draw up annual supervisory programmes. <u>which shall also take into account the timing and resources needed to react promptly in the event of objective and significant indications of breaches of the requirements set out in Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and Regulation [please insert reference to the Funds Transfer Regulation - 2021/0241(COD)]</u> Text Origin: Commission

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Proposal TM6 20072023
Article 31(2)				
430	2. By [2 years after the date of entry into force of this Directive], AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall set out the benchmarks and a methodology for assessing and classifying the inherent and residual risk profile of obliged entities, as well as the frequency at which such risk profile shall be reviewed. Such frequency shall take into account any major events or developments in the management and operations of the obliged entity, as well as the nature and size of the business.	2. By <u>[2 years after the date of entry into force of this Directive]</u> ~~[2 years after the date of entry into force of this Directive]~~ , AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall set out the benchmarks and a methodology for assessing and classifying the inherent and residual risk profile of obliged entities, as well as the frequency at which such risk profile shall be reviewed. Such frequency shall take into account any major events or developments in the management and operations of the obliged entity, as well as the nature and size of the business.	2. By [2 years after the date of entry into force of this Directive], AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall set out the benchmarks and a methodology for assessing and classifying the inherent and residual risk profile of obliged entities, as well as the frequency at which such risk profile shall be reviewed. Such frequency shall take into account any major events or developments in the management and operations of the obliged entity, as well as the nature and size of the business.	2. By [2 years after the date of entry into force of this Directive], AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall set out the benchmarks and a methodology for assessing and classifying the inherent and residual risk profile of obliged entities, as well as the frequency at which such risk profile shall be reviewed. Such frequency shall take into account any major events or developments in the management and operations of the obliged entity, as well as the nature and size of the business. Text Origin: Commission Proposal TM6 20072023
Article 31(3)				
431	3. The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in paragraph 2 of this Article in accordance with Articles 38 to 41 of Regulation	3. The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in paragraph 2 of this Article in accordance with Articles 38 to 41 of Regulation	3. The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in paragraph 2 of this Article in accordance with Articles 38 to 41 of Regulation	3. The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in paragraph 2 of this Article in accordance with Articles 38 to 41 of Regulation

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].	<u>[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]</u> ~~[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]~~ .	[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].	[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]. Text Origin: Commission Proposal TM6 20072023
Article 31(4)				
432	4. By [1 year after the date of transposition of this Directive], AMLA shall issue guidelines addressed to supervisors on the characteristics of a risk-based approach to supervision and the steps to be taken when conducting supervision on a risk-sensitive basis.	4. By <u>[1 year after the date of transposition of this Directive]</u> ~~[1 year after the date of transposition of this Directive]~~ , AMLA shall issue guidelines addressed to supervisors on the characteristics of a risk-based approach to supervision and the steps to be taken when conducting supervision on a risk-sensitive basis.	4. By [1 year after the date of transposition of this Directive], AMLA shall issue guidelines addressed to supervisors on the characteristics of a risk-based approach to supervision and the steps to be taken when conducting supervision on a risk-sensitive basis.	4. By [1 year after the date of transposition of this Directive], AMLA shall issue guidelines addressed to supervisors on: <u>(a) the characteristics of a risk-based approach to supervision;</u> <u>(b) the measures to be put in place within supervisors to ensure adequate and effective supervision, including to train their staff;</u> <u>(c) ~~and~~ the steps to be taken when conducting supervision on a risk-sensitive basis.</u> <u>Where relevant, the Guidelines referred to in the first subparagraph shall take into account the outcomes of the assessments carried out pursuant to Articles 28 and 31 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				to cover proposals from line 399a TM6 20072023 TM9 06092023
Article 31(5)				
433	5. Member States shall ensure that supervisors take into account the degree of discretion allowed to the obliged entity, and appropriately review the risk assessments underlying this discretion, and the adequacy of its policies, internal controls and procedures.	5. Member States shall ensure that supervisors take into account the degree of discretion allowed to the obliged entity, and appropriately review the risk assessments underlying this discretion, and the adequacy of its policies, internal controls and procedures.	5. Member States shall ensure that supervisors take into account the degree of discretion allowed to the obliged entity, and appropriately review the risk assessments underlying this discretion, and the adequacy of its policies, internal controls and procedures.	5. Member States shall ensure that supervisors take into account the degree of discretion allowed to the obliged entity, and appropriately review the risk assessments underlying this discretion, and the adequacy of its policies, internal controls and procedures. Text Origin: Commission Proposal
Article 31(6)				
434	6. Member States shall ensure that the results of the risk assessments performed by supervisors pursuant to this Article are made available in aggregated form to the FIU.	6. Member States shall ensure that the results of the risk assessments performed by supervisors pursuant to this Article are made available in aggregated form to the FIU.	6. Member States shall ensure that the results of the risk assessments performed by supervisors pursuant to this Article are made available in aggregated form to the FIU.	6. Member States shall ensure that the results of the risk assessments performed by supervisors pursuant to this Article are made available in aggregated form to the FIU. Text Origin: Commission Proposal
Article 31(6a)				
434a			<u>6a. Member States shall ensure that supervisors and self-regulatory bodies, prepare a detailed annual activity report and that a summary</u>	<u>6a. Member States shall ensure that supervisors, prepare a detailed annual activity report and that a summary of that report is made</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>of that report is made publicly available. That summary shall not contain confidential information. That summary shall include:</u> <u>(a) details of the supervisors' tasks;</u> <u>(b) an overview of the supervisory activities;</u> <u>(c) the number of on-site and off-site supervisory actions; and</u> <u>(d) the number of breaches identified on the basis of supervisory actions and sanctions or administrative measures applied by supervisory authorities and self-regulatory bodies pursuant to Section 4 of Chapter IV.</u> <u>The supervisor and self-regulatory body that prepares an annual activity report referred to in the first subparagraph shall transmit that report to the designated authority or mechanism referred to in Article 8(2) and to AMLA. The designated authority shall provide feedback and propose possible improvements which may include recommendations to change the allocation of supervisory responsibilities and the arrangements for carrying out supervisory tasks.</u>	<u>publicly available. That summary shall not contain confidential information and shall include:</u> <u>(a) the categories of obliged entities under the supervision and the number of obliged entities per category;</u> <u>(b) a description of the powers the supervisors are entrusted with and tasks assigned to them as well as, where relevant, of the participation in the mechanisms referred to in Article 29(3a) and, for the lead supervisor, a summary of the coordination activities carried out;</u> <u>(c) the number of supervisory colleges organised and attended, and, for the supervisor organising the college, a summary of the activities carried out by the college;</u> <u>(d) an overview of the supervisory activities carried out;</u> <u>(e) the number of on-site, off-site supervisory actions and any other type of supervisory action taken; and</u> <u>(f) the number of breaches identified on the basis of supervisory actions and the number of sanctions or administrative measures imposed, accompanied by</u>

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				<u>a description and in the case of pecuniary sanctions, their overall value.</u> <u>Supervisors shall transmit the report referred to in the first subparagraph to the coordination mechanism referred to in Article 29(3a) and to AMLA. In the case of self-regulatory bodies, the report shall also be transmitted to the public authority overseeing their supervisory activities pursuant to Article 38, which shall provide feedback and propose possible improvements which may include recommendations to change the allocation of supervisory responsibilities and the arrangements for carrying out supervisory tasks.</u> EP comments: drafting consistent with line 197 (statistics) to ensure consistency Text based on EC redrafting proposals CONS to revert Text Origin: EP Mandate TM 20072023 TM9 of 06092023
Article 31a				
434b			<u>Article 31a</u>	EP to revert

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>List of credit and financial institutions under enhanced supervision and customer due diligence</u> <u>1. Financial supervisors shall include specific credit or financial institutions on a list of credit and financial institutions under enhanced supervision where, following supervisory activities referred to in Article 29, points (c), (e), (f) and (g), financial supervisors identify serious and structural weaknesses or vulnerabilities in the application of AML/CFT rules by those credit and financial institutions under their supervision.</u> <u>2. When applying the measures referred to in paragraph 1 of this Article, financial supervisors shall take into account the rules and principles of risk-based supervision laid down in Article 31, in particular the benchmarks and a methodology for assessing and classifying the inherent and residual risk profile of obliged entities and the guidelines on the characteristics of a risk-based approach to supervision.</u> <u>3. Financial supervisors shall inform credit and financial institutions of their inclusion on the</u>	TM7 04092023

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			<u>list referred to in paragraph 1 prior to their inclusion through a reasoned communication.</u> <u>Financial supervisors shall also communicate to the credit or financial institution concerned the measures they will put in place in order to address the weaknesses identified within a specific timeframe.</u> <u>4. Financial supervisors shall promptly inform AMLA and national non-AML/CFT supervisors of the measures taken under paragraph 1. Financial supervisors shall also in a timely manner inform obliged entities, as referred to in Article 3, points (1) and (2), of Regulation ... [please insert reference to Anti-Money Laundering Regulation – 2021/0239(COD)], of the measures taken under paragraph 1.</u> <u>5. Where obliged entities, as referred to in Article 3, points 1 and 2, of Regulation ... [please insert reference to Anti-Money Laundering Regulation – 2021/0239(COD)], become aware of transactions involving credit and financial institutions under enhanced supervision, they shall consider applying measures laid down in article 28(4) of that Regulation proportionate to the</u>	

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			<u>risks identified with regards to transactions involving credit or financial institutions under enhanced supervision.</u> <u>6. Where the specific credit and financial institution referred to in paragraph 1 of this Article is part of a group, financial supervisors shall inform their counterparts in other Member States in accordance with Article 33.]</u>	
Article 32				
435	Article 32 Disclosure to FIUs	Article 32 Disclosure to FIUs	Article 32 Disclosure to FIUs	Article 32 Disclosure to FIUs Text Origin: Commission Proposal
Article 32(1)				
436	1. Member States shall ensure that if, in the course of the checks carried out on the obliged entities, or in any other way, supervisors discover facts that could be related to money laundering or to terrorist financing, they shall promptly inform the FIU.	1. Member States shall ensure that if, in the course of the checks carried out on the obliged entities, or in any other way, supervisors discover facts, <u>other than facts already reported by obliged entity in line with Article 50 of [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> , that could be related to money laundering or to terrorist financing, they shall	1. Member States shall ensure that if, in the course of the checks carried out on the obliged entities, or in any other way, supervisors discover facts that could be related to money laundering or to terrorist financing, they shall promptly inform the FIU <u>if the obliged entity itself would have been obligated to report the suspicious transaction in accordance with Articles 50 and 51 of Regulation ... [please insert</u>	EP amendment to check on the scope (excluding failings of staff, management) COM to to draft a recital with additional explanations and to potentially include professional privileges (EP amendment). EP to revert EC to revert TM7 04092023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		promptly inform the FIU.	reference to AML Regulation - 2021/0239(COD)]	
Article 32(2)				
437	2. Member States shall ensure that supervisors empowered to oversee the stock, foreign exchange and financial derivatives markets, inform the FIU if they discover facts that could be related to money laundering or terrorist financing.	2. Member States shall ensure that supervisors empowered to oversee the stock, foreign exchange and financial derivatives markets, inform the FIU if they discover facts, <u>other than facts already reported by obliged entity in line with Article 50 of [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> , that could be related to money laundering or terrorist financing.	2. Member States shall ensure that supervisors empowered to oversee the stock, foreign exchange and financial derivatives markets, inform the FIU if they discover facts that could be related to money laundering or terrorist financing.	linked to line 436 EC to revert TM7 04092023
Article 33				
438	Article 33 Supervision of obliged entities operating under the freedom of establishment and freedom to provide services	Article 33 Supervision of obliged entities operating under the freedom of establishment and freedom to provide services	Article 33 Supervision of obliged entities operating under the freedom of establishment and freedom to provide services	Article 33 Supervision of obliged entities operating under the freedom of establishment and freedom to provide services Text Origin: Commission Proposal
Article 33(-1)				
438a		<u>0. Member States shall ensure that supervisors of the Member State in</u>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>which an obliged entity has established a branch or any other form of establishment in the cases covered by Article 5, supervise compliance of those establishments with the Regulation [please insert reference – proposal for Anti-Money Laundering Regulation – COM/2021/420 final], the Regulation [please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final] and any other legal provisions adopted for the implementation of these Regulations.</u>		
Article 33(-1a)				
438b		<u>Member States shall ensure that in other cases of establishments than those covered in the first subparagraph, supervisors of the Member State in which an obliged entity has its head office supervise compliance of those establishments with the Regulation [please insert reference – proposal for Anti-Money Laundering Regulation – COM/2021/420 final], the Regulation [please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final] and any other legal provisions adopted for the implementation of these</u>		

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		<u>Regulations.</u>		
Article 33(1)				
439	1. Member States shall ensure that supervisors cooperate with each other to the greatest extent possible, regardless of their respective nature or status. Such cooperation may include conducting, within the powers of the requested supervisor, inquiries on behalf of a requesting supervisor, and the subsequent exchange of the information obtained through such inquiries.	1. Member States shall ensure that supervisors cooperate with each other to the greatest extent possible, regardless of their respective nature or status. Such cooperation may include conducting, within the powers of the requested supervisor, inquiries on behalf of a requesting supervisor, and the subsequent exchange of the information obtained through such inquiries.	1. Member States shall ensure that supervisors cooperate with each other to the greatest extent possible, regardless of their respective nature or status. Such cooperation may include conducting, within the powers of the requested supervisor, inquiries on behalf of a requesting supervisor, and the subsequent exchange of the information obtained through such inquiries.	1. Member States shall ensure that supervisors cooperate with each other to the greatest extent possible, regardless of their respective nature or status. Such cooperation may include conducting, within the powers of the requested supervisor, inquiries on behalf of a requesting supervisor, and the subsequent exchange of the information obtained through such inquiries. Text Origin: Commission Proposal
Article 33(2)				
440	2. In addition to Article 5, obliged entities wishing to exercise the freedom to provide services by carrying out activities within the territory of another Member State for the first time shall notify the supervisors of the home Member State of the activities which they intend to carry out. Such notification shall also be required where provision of cross-border services is carried out by agents of the obliged entity.	2. In addition to Article 5, obliged entities wishing to exercise the freedom to provide services by carrying out activities within the territory of another Member State for the first time shall notify the supervisors of the home Member State of the activities which they intend to carry out. <u>Those supervisors shall, within three months of receipt of the notification, communicate it to the supervisors of the host Member State.</u> Such notification shall also be	2. In addition to <u>the obligations laid down in</u> Article 5, obliged entities wishing to exercise the freedom to provide services by carrying out activities within the territory of another Member State for the first time shall notify the supervisors of the home Member State of the activities which they intend to carry out. <u>Those supervisors shall, within three months of the receipt of that information, communicate it to the supervisors of the host Member State.</u> Such notification shall also be	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		required where provision of cross-border services is carried out by agents <u>and distributors</u> of the obliged entity.	required where provision of cross-border services is carried out by agents of the obliged entity <u>or through any natural or legal person which acts on their behalf. It shall not apply to obliged entities that, pursuant to other Union legal acts, are subject to specific notification procedures for the exercise of the freedom of establishment and to provide services.</u>	
Article 33(2a)				
440a		<u>The first subparagraph shall not apply to obliged entities subject to specific notification procedures for the exercise of the freedom of establishment and of the freedom to provide services under other Union acts or to cases where the obliged entity is subject to specific authorisation requirements in order to operate in the territory of the host Member State.</u>		
Article 33(3)				
441	3. The supervisors of the home Member State shall, within one month of receipt of the notification provided for in paragraph 2, transmit that notification to the supervisors of the host Member State.	3. ~~The supervisors of the home Member State shall, within one month of receipt of the notification provided for in paragraph 2, transmit that notification to the supervisors of the host Member State.~~ Deleted	3. The supervisors of the home Member State shall, within one month of receipt of the notification provided for in paragraph 2, transmit that notification to the supervisors of the host Member State.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 33(4), first subparagraph			
442	4. In the cases covered by paragraph 2 of this Article and Article 5, supervisors of the host Member State shall cooperate with supervisors of the home Member State and lend assistance to ensure the verification of compliance by the obliged entity with the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and of Regulation [please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final] and to take appropriate and proportionate measures to address breaches.	4. ~~In the cases covered by paragraph 2 of this Article and Article 5~~ <u>Where an obliged entity carries out its activities on the territory of another Member State under the freedom to provide services, by agents or distributors</u>, supervisors of the host Member State shall cooperate with supervisors of the home Member State and lend assistance to ensure the verification of compliance by the obliged entity with the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], ~~please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and of~~ Regulation [please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final] ~~please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final]~~ <u>and any other legal provisions adopted for the implementation of these Regulations</u>, and to take appropriate and proportionate measures to address breaches.	4. In the cases covered by paragraph 2 of this Article and Article 5, supervisors of the host Member State shall cooperate with supervisors of the home Member State and lend assistance to ensure the verification of compliance by the obliged entity with the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and of Regulation [please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final] and to take appropriate, <u>proportionate, effective and dissuasive</u> ~~and proportionate~~ measures to address breaches.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 33(4), second subparagraph				
443	In the cases covered by Article 5, the supervisors of the host Member State shall be allowed at their own initiative to take appropriate and proportionate measures to address serious failings that require immediate remedies. Those measures shall be temporary and be terminated when the failings identified are addressed, including with the assistance of or in cooperation with the supervisors of the home Member State of the obliged entity.	In the cases covered by Article 5 <u>not mentioned in paragraph 0</u> , the supervisors of the host Member State shall be allowed at their own initiative to take appropriate and proportionate measures to address serious failings that require immediate remedies. Those measures shall be temporary and be terminated when the failings identified are addressed, including with the assistance of or in cooperation with the supervisors of the home Member State of the obliged entity.	In the cases covered by Article 5, the supervisors of the host Member State shall be allowed at their own initiative to take appropriate, <u>proportionate, effective and dissuasive</u> ~~and proportionate~~ measures to address serious failings that require immediate remedies. ~~Those~~ <u>and shall promptly inform the supervisor of the home Member State. Those</u> measures shall be temporary and be terminated when the failings identified are addressed, including with the assistance of or in cooperation with the supervisors of the home Member State of the obliged entity.	
Article 33(4), second subparagraph a				
443a			<u>By ... [two years after the date of transposition of this Directive], AMLA shall, issue guidelines on the criteria for identifying serious failings that require immediate action, and the measures that may be required from host supervisors to address such failings.</u>	
Article 33(4), second subparagraph a				
443b		<u>In the cases covered by first subparagraph other than those</u>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>covered by Article 5, where the supervisors of the host Member State have serious reasons to assume that an obliged entity does not respect the Regulation [please insert reference – proposal for Anti-Money Laundering Regulation – COM/2021/420 final], the Regulation [please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final] and any other legal provisions adopted for the implementation of these Regulations and there is a risk of money laundering or terrorist financing, they may refer to the supervisors of the home Member State in order to take appropriate measures. The supervisors of the home Member State shall, within three months of receipt of that referral, inform the supervisors of the host Member State of the measures taken and to be taken.</u>		
Article 33(5)				
444	5. Where the supervisors of the home and host Member State disagree on the measures to be taken in relation to an obliged entity, they may refer the matter to AMLA and request its assistance in accordance with Articles 5 and 10 of Regulation [please insert reference – proposal	5. Where the supervisors of the home and host Member State disagree on the measures <u>taken or</u> to be taken in relation to an obliged entity, they may refer the matter to AMLA and request its assistance in accordance with Articles 5 and 10 of Regulation <u>[please insert reference</u>	5. Where the supervisors of the home and host Member State disagree on the measures to be taken in relation to an obliged entity, ~~they~~<u>each of them</u> may refer the matter to AMLA and request its assistance in accordance with Articles 5 and 10 of Regulation	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]. AMLA shall provide its advice on the matter of disagreement within one month.	<u>– proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final</u> ~~[please insert reference – proposal for establishment of an Anti-Money Laundering Authority – COM/2021/421 final]~~ . AMLA shall provide its advice on the matter of disagreement within one month.	[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]. AMLA shall provide its advice on the matter of disagreement within one month <u>and settle the disagreement on the matter by means of a binding instruction pursuant to Article XX(X) of that Regulation</u> .	
Article 34				
445	Article 34 Provisions related to cooperation in the context of group supervision	Article 34 Provisions related to cooperation in the context of group supervision	Article 34 Provisions related to cooperation in the context of group supervision	Article 34 Provisions related to cooperation in the context of group supervision Text Origin: Commission Proposal
Article 34(1)				
446	1. In the case of credit and financial institutions that are part of a group, Member States shall ensure that, for the purposes laid down in Article 29(1), financial supervisors of the home Member State and those of the host Member State cooperate with each other to the greatest extent possible, regardless of their respective nature or status. They shall also cooperate with AMLA when it exercises supervisory functions in accordance with Article	1. In the case of credit and financial institutions that are part of a group, Member States shall ensure that, for the purposes laid down in Article 29(1), financial supervisors of the home Member State and those of the host Member State cooperate with each other to the greatest extent possible, regardless of their respective nature or status. They shall also cooperate with AMLA when it exercises supervisory functions in accordance with Article	1. In the case of credit and financial institutions that are part of a group, Member States shall ensure that, for the purposes laid down in Article 29(1), financial supervisors of the home Member State and those of the host Member State cooperate with each other to the greatest extent possible, regardless of their respective nature or status. They shall also cooperate with AMLA when it exercises supervisory functions in accordance with Article	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	5(2) of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].	5(2) of Regulation <u>[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]</u> ~~[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]~~ .	5(2) of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].	
Article 34(2)				
447	2. Except where AMLA exercises supervisory functions in accordance with Article 5(2) of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final], Member States shall ensure that the financial supervisors of the home Member State supervise the effective implementation of the group-wide policies, controls and procedures referred to in Article 13 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]. Member States shall also ensure that financial supervisors of the host Member State supervise the compliance of the establishments located in the territory of its Member State with the requirements of Regulation [please insert reference – proposal	2. Except where AMLA exercises supervisory functions in accordance with Article 5(2) of Regulation <u>[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]</u> ~~[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]~~ , Member States shall ensure that the financial supervisors of the home Member State supervise the effective implementation of the group-wide policies, controls and procedures referred to in Article 13 of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ . Member	2. Except where AMLA exercises supervisory functions in accordance with Article 5(2) of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final], Member States shall ensure that the financial supervisors of the home Member State supervise the effective implementation of the group-wide policies, controls and procedures referred to in Article 13 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]. Member States shall also ensure that financial supervisors of the host Member State supervise the compliance of the establishments located in the territory of its Member State with the requirements of Regulation [please insert reference – proposal	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	for Anti-Money Laundering Regulation - COM/2021/420 final].	States shall also ensure that financial supervisors of the host Member State supervise the compliance of the establishments located in the territory of its Member State with the requirements of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ .	for Anti-Money Laundering Regulation - COM/2021/420 final].	

Article 34(3), first subparagraph

448	3. For the purposes of this Article, and except in cases where AML/CFT supervisory colleges are established in accordance with Article 36, Member States shall ensure that financial supervisors provide one another with any information they require for the exercise of their supervisory tasks, whether on request or on their own initiative. In particular, financial supervisors shall exchange any information that could significantly influence the assessment of the inherent or residual risk exposure of a credit or financial institution in another Member State, including:	3. For the purposes of this Article, and except in cases where AML/CFT supervisory colleges are established in accordance with Article 36, Member States shall ensure that financial supervisors provide one another with any information they require for the exercise of their supervisory tasks, whether on request or on their own initiative. In particular, financial supervisors shall exchange any information that could significantly influence the assessment of the inherent or residual risk exposure of a credit or financial institution in another Member State, including:	3. For the purposes of this Article, and except in cases where AML/CFT supervisory colleges are established in accordance with Article 36, Member States shall ensure that financial supervisors provide one another with any information they require for the exercise of their supervisory tasks, whether on request or on their own initiative. In particular, financial supervisors shall exchange any information that could significantly influence the assessment of the inherent or residual risk exposure of a credit or financial institution in another Member State, including:	3. For the purposes of this Article, and except in cases where AML/CFT supervisory colleges are established in accordance with Article 36, Member States shall ensure that financial supervisors provide one another with any information they require for the exercise of their supervisory tasks, whether on request or on their own initiative. In particular, financial supervisors shall exchange any information that could significantly influence the assessment of the inherent or residual risk exposure of a credit or financial institution in another Member State, including: Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 34(3), first subparagraph, point (a)			
449	(a) identification of the group's legal, governance and organisational structure, covering all subsidiaries and branches;	(a) identification of the group's legal, governance and organisational structure, covering all subsidiaries and branches;	(a) identification of the group's legal, governance and organisational structure, covering all subsidiaries and branches;	(a) identification of the group's legal, governance and organisational structure, covering all subsidiaries and branches; Text Origin: Commission Proposal
	Article 34(3), first subparagraph, point (b)			
450	(b) internal controls, policies and procedures in place within the group;	(b) internal controls, policies and procedures in place within the group;	(b) internal controls, policies and procedures in place within the group;	(b) internal controls, policies and procedures in place within the group; Text Origin: Commission Proposal
	Article 34(3), first subparagraph, point (c)			
451	(c) adverse developments in relation to the parent undertaking, subsidiaries or branches, which could seriously affect other parts of the group;	(c) adverse developments in relation to the parent undertaking, subsidiaries or branches, which could seriously affect other parts of the group;	(c) adverse developments in relation to the parent undertaking, subsidiaries or branches, which could seriously affect other parts of the group;	(c) adverse developments in relation to the parent undertaking, subsidiaries or branches, which could seriously affect other parts of the group; Text Origin: Commission Proposal
	Article 34(3), first subparagraph, point (d)			
452	(d) administrative measures and sanctions taken by financial supervisors in accordance with	(d) administrative measures and sanctions taken by financial supervisors in accordance with	(d) administrative measures and sanctions taken by financial supervisors in accordance with	(d) administrative measures and sanctions taken by financial supervisors in accordance with

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Section 4 of this Chapter.	Section 4 of this Chapter.	Section 4 of this Chapter.	Section 4 of this Chapter. Text Origin: Commission Proposal
Article 34(3), second subparagraph				
453	Member States shall also ensure that financial supervisors are able to conduct, within their powers, inquiries on behalf of a requesting supervisor, and to share the information obtained through such inquiries.	Member States shall also ensure that financial supervisors are able to conduct, within their powers, inquiries on behalf of a requesting supervisor, and to share the information obtained through such inquiries.	Member States shall also ensure that financial supervisors are able to conduct, within their powers, inquiries on behalf of a requesting supervisor, and to share the information obtained through such inquiries.	Member States shall also ensure that financial supervisors are able to conduct, within their powers, inquiries on behalf of a requesting supervisor, and to share the information obtained through such inquiries. Text Origin: Commission Proposal
Article 34(4), first subparagraph				
454	4. By [2 years after the date of entry into force of this Directive], AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall detail the respective duties of the home and host supervisors, and the modalities of cooperation between them.	4. By <u>[2 years after the date of entry into force of this Directive]</u> ~~[2 years after the date of entry into force of this Directive]~~ , AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall detail the respective duties of the home and host supervisors, and the modalities of cooperation between them.	4. By [2 years after the date of entry into force of this Directive], AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall detail the respective duties of the home and host supervisors, and the modalities of cooperation between them.	
Article 34(4), second subparagraph				
455				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in the first subparagraph in accordance with Articles 38 to 41 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].	The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in the first subparagraph in accordance with Articles 38 to 41 of Regulation <u>[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]</u> ~~[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]~~ .	The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in the first subparagraph in accordance with Articles 38 to 41 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].	The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in the first subparagraph in accordance with Articles 38 to 41 of Regulation <u>[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]</u> ~~[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]~~ . Text Origin: Council Mandate
Article 34(5), first subparagraph				
456	5. Financial supervisors may refer to AMLA any of the following situations:	5. Financial supervisors may refer to AMLA any of the following situations:	5. Financial supervisors may refer to AMLA any of the following situations:	5. Financial supervisors may refer to AMLA any of the following situations: Text Origin: Commission Proposal
Article 34(5), first subparagraph, point (a)				
457	(a) where a financial supervisor has not communicated the information referred to in paragraph 3;	(a) where a financial supervisor has not communicated the information referred to in paragraph 3;	(a) where a financial supervisor has not communicated the information referred to in paragraph 3;	(a) where a financial supervisor has not communicated the information referred to in paragraph 3; Text Origin: Commission Proposal
Article 34(5), first subparagraph, point (b)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
458	(b) where a request for cooperation has been rejected or has not been acted upon within a reasonable time.	(b) where a request for cooperation has been rejected or has not been acted upon within a reasonable time.	(b) where a request for cooperation has been rejected or has not been acted upon within a reasonable time.	(b) where a request for cooperation has been rejected or has not been acted upon within a reasonable time. Text Origin: Commission Proposal
Article 34(5), second subparagraph				
459	AMLA may act in accordance with the powers conferred on it under Articles 5 and 10 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]. When doing so, AMLA shall provide its opinion on the subject-matter of the request within one month.	AMLA may act in accordance with the powers conferred on it under Articles 5 and 10 of Regulation <u>[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]</u> ~~[please insert reference—proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]~~ . When doing so, AMLA shall provide its opinion on the subject-matter of the request within one month.	AMLA may act in accordance with the powers conferred on it under Articles 5 and 10 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]. When doing so, AMLA shall provide its opinion on the subject-matter of the request within one month <u>and settle the disagreement on the matter by means of a binding instruction pursuant to Article XX(X) of that Regulation.</u>	Will be par of COM nonpaper AMLA related TM7 04092023
Article 34(6)				
460	6. Member States shall ensure that the provisions of this Article also apply to the supervision of groups of obliged entities other than credit or financial institutions. Member States shall also ensure that in cases where obliged entities other than credit and financial institutions are part of	6. Member States shall ensure that the provisions of this Article also apply to the supervision of groups of obliged entities other than credit or financial institutions. Member States shall also ensure that in cases where obliged entities other than credit and financial institutions are part of	~~6. Member States shall ensure that the provisions of this Article also apply to the supervision of groups of obliged entities other than credit or financial institutions. Member States shall also ensure that in cases where obliged entities other than credit and financial institutions are part of~~	COM to propose a draft being more specific on how MS ensure facilitation. EC to revert TM7 04092023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	structures which share common ownership, management or compliance control, including networks or partnerships, cooperation and exchange of information between supervisors is facilitated.	structures which share common ownership, management or compliance control, including networks or partnerships, cooperation and exchange of information between supervisors is facilitated.	~~structures which share common ownership, management or compliance control, including networks or partnerships, cooperation and exchange of information between supervisors is facilitated.~~	
Article 34a				
460a			<u>Article 34a</u> <u>Supervision of groups of obliged entities other than credit or financial institutions</u> <u>1. Member States shall ensure that the provisions of Article 34 also apply to non-financial supervisors in cases of supervision of groups of obliged entities other than credit or financial institutions, except where AMLA exercises direct supervision in accordance with Article 5(2) of Regulation ... [please insert reference to AMLA Regulation - 2021/0240(COD)].</u> <u>Member States shall also ensure that in cases where obliged entities other than credit and financial institutions are part of structures which share common ownership, management or compliance control, including networks or partnerships, cooperation and exchange of information between financial and non-financial supervisors is facilitated.</u>	linked to 460 EC to revert TM7 04092023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>2. By ... [two years after the date of entry into force of this Directive], AMLA shall, after consulting supervisors and authorities overseeing self-regulatory bodies, develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall:</u> <u>(a) establish criteria to identify groups of obliged entities other than credit or financial institutions which are part of structures which operate cross borders and share common ownership, management or compliance control, including networks or partnerships;</u> <u>(b) detail the respective duties of the home and host supervisors, and the modalities of cooperation between them, in particular the exchange of relevant information to assess inherent or residual risk exposure of an obliged entity other than credit or financial institutions in another Member State</u> <u>(c) provide guidance on the instances where cooperation and exchange of information between financial supervisors and non-financial supervisors is relevant and on the modalities of such cooperation.</u> <u>3. The Commission shall supplement this Directive by adopting the regulatory technical</u>	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 359/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>standards referred to in the paragraph 2 of this Article in accordance with Articles 38 to 41 of Regulation ... [please insert reference to AMLA Regulation - 2021/024039(COD)].</u>	
Article 35				
461	Article 35 Exchange of information in relation to implementation of group policies in third countries	Article 35 Exchange of information in relation to implementation of group policies in third countries	Article 35 Exchange of information in relation to implementation of group policies in third countries	Article 35 Exchange of information in relation to implementation of group policies in third countries Text Origin: Commission Proposal
Article 35, first paragraph				
462	Supervisors, including AMLA, shall inform each other of instances in which the law of a third country does not permit the implementation of the policies, controls and procedures required under Article 13 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]. In such cases, coordinated actions may be taken by supervisors to pursue a solution. In assessing which third countries do not permit the implementation of the policies, controls and procedures required under Article 13 of	Supervisors, including AMLA, shall inform each other of instances in which the law of a third country does not permit the implementation of the policies, controls and procedures required under Article 13 of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ . In such cases, coordinated actions may be taken by supervisors to pursue a solution. In assessing which third countries do	<u>Supervisors, including AMLA, and non-AML/CFT authorities</u> shall inform each other of instances in which the law of a third country does not permit the implementation of the policies, controls and procedures required under Article 13 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]. In such cases, coordinated actions may be taken by supervisors to pursue a solution, <u>if they deem it necessary</u> . In assessing which third countries do not permit the implementation of the policies,	Supervisors, including AMLA, shall inform each other of instances in which the law of a third country does not permit the implementation of the policies, controls and procedures required under Article 13 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]. In such cases, coordinated actions may be taken by supervisors to pursue a solution. In assessing which third countries do not permit the implementation of the policies, controls and procedures required under Article 13 of

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], supervisors shall take into account any legal constraints that may hinder proper implementation of those policies and procedures, including professional secrecy, an insufficient level of data protection and other constraints limiting the exchange of information that may be relevant for that purpose.	not permit the implementation of the policies, controls and procedures required under Article 13 of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ , supervisors shall take into account any legal constraints that may hinder proper implementation of those policies and procedures, including professional secrecy, an insufficient level of data protection and other constraints limiting the exchange of information that may be relevant for that purpose.	controls and procedures required under Article 13 of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], supervisors shall take into account any legal constraints that may hinder proper implementation of those policies and procedures, including professional secrecy, an insufficient level of data protection and other constraints limiting the exchange of information that may be relevant for that purpose.	Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], supervisors shall take into account any legal constraints that may hinder proper implementation of those policies and procedures, including professional secrecy, an insufficient level of data protection and other constraints limiting the exchange of information that may be relevant for that purpose. Text Origin: Commission Proposal TM704092023
Section 2				
463	Section 2 Specific provisions applicable to the financial sector	Section 2 Specific provisions applicable to the financial sector	Section 2 Specific provisions applicable to the financial <u>and non-financial</u> sector	
Article 36				
464	Article 36 AML/CFT supervisory colleges	Article 36 AML/CFT supervisory colleges	Article 36 AML/CFT supervisory colleges <u>in the financial sector</u>	
Article 36(1)				
465				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	1. Member States shall ensure that dedicated AML/CFT supervisory colleges are established in any of the following situations:	1. Member States shall ensure that dedicated AML/CFT supervisory colleges are established <u>by financial supervisors</u> in any of the following situations:	1. Member States shall ensure that dedicated AML/CFT supervisory colleges are established in any of the following situations:	
Article 36(1), point (a)				
466	(a) where a credit or financial institution has set up establishments in at least two different Member States other than the Member State where its head office is situated;	(a) where a credit or financial institution has set up establishments in at least two different Member States other than the Member State where its head office is situated;	(a) where a credit or financial institution has set up establishments in at least two different Member States other than the Member State where its head office is situated;	(a) where a credit or financial institution has set up establishments in at least two different Member States other than the Member State where its head office is situated; Text Origin: Commission Proposal
Article 36(1), point (b)				
467	(b) where a third-country credit or financial institution has set up establishments in at least three Member States.	(b) where a third-country credit or financial institution has set up establishments in at least three Member States.	(b) where a third-country credit or financial institution has set up establishments in at least three Member States.	(b) where a third-country credit or financial institution has set up establishments in at least three Member States. Text Origin: Commission Proposal
Article 36(1), point (ba)				
467a			<u>1a. The supervisory activities of AML/CFT supervisory colleges shall be proportionate to the level of risk posed by the credit or financial institution and the scale of its cross-border activity. AML/CFT</u>	COM to draft a compromise text covering lines 467a-467d EC to revert

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>supervisory colleges may adjust the programme of supervisory activities within the college on a risk-sensitive basis.</u>	TM7 04092023
Article 36(1), point (bb)				
467b		<u>By way of derogation from the first sub-paragraph, and following a proposal by the financial supervisor of the home Member State, financial supervisors may jointly decide not to establish a college where the risk profile of the obliged entities mentioned in points (a) and (b) is not assessed as high and the establishment of a college would not be justified. The joint decision shall be recorded in writing and forwarded to AMLA.</u>		Linked to 467a EC to revert TM7 04092023
Article 36(1), point (bc)				
467c		<u>Dedicated AML/CFT supervisory colleges shall not be established where situations listed in points (a) and (b) concern selected obliged entities as defined in Article 2(1), point (1), of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].</u>		Linked to 467a EC to revert TM7 04092023
Article 36(1b)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
467d				
Article 36(2)				
468	2. For the purposes of paragraph 1, Member States shall ensure that financial supervisors identify:	2. For the purposes of paragraph 1, Member States shall ensure that financial supervisors identify:	2. For the purposes of paragraph 1, Member States shall ensure that financial supervisors identify:	2. For the purposes of paragraph 1, Member States shall ensure that financial supervisors identify: Text Origin: Commission Proposal
Article 36(2), point (a)				
469	(a) all credit and financial institutions operating on a cross-border basis that have been authorised in their Member State;	(a) all credit and financial institutions operating on a cross-border basis that have been authorised in their Member State;	(a) all credit and financial institutions operating on a cross-border basis that have been authorised in their Member State;	(a) all credit and financial institutions operating on a cross-border basis that have been authorised in their Member State; Text Origin: Commission Proposal
Article 36(2), point (b)				
470	(b) all establishments set up by those institutions in other jurisdictions;	(b) all establishments set up by those institutions in other jurisdictions;	(b) all establishments set up by those institutions in other jurisdictions;	(b) all establishments set up by those institutions in other jurisdictions; Text Origin: Commission Proposal
Article 36(2), point (c)				
471	(c) establishments set up in their territory by credit and financial	(c) establishments set up in their territory by credit and financial	(c) establishments set up in their territory by credit and financial	(c) establishments set up in their territory by credit and financial

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	institutions from other Member States or third countries.	institutions from other Member States or third countries.	institutions from other Member States or third countries.	institutions from other Member States or third countries. Text Origin: Commission Proposal
Article 36(3)				
472	3. Members States may allow the establishment of AML/CFT supervisory colleges when a credit or financial institution established in the Union has set up establishments in at least two third countries. Financial supervisors may invite their counterparts in those third countries to set up such college. The financial supervisors participating in the college shall establish a written agreement detailing the conditions and procedures of the cooperation and exchange of information.	3. Members States may allow the establishment of AML/CFT supervisory colleges when a credit or financial institution established in the Union has set up establishments in at least two third countries. Financial supervisors may invite their counterparts in those third countries to set up such college. The financial supervisors participating in the college shall establish a written agreement detailing the conditions and procedures of the cooperation and exchange of information.	3. Members States may allow the establishment of AML/CFT supervisory colleges when a credit or financial institution established in the Union has set up establishments in at least two third countries. Financial supervisors may invite their counterparts in those third countries to set up such college. The financial supervisors participating in the college shall establish a written agreement detailing the conditions and procedures of the cooperation and exchange of information.	3. Members States may allow the establishment of AML/CFT supervisory colleges when a credit or financial institution established in the Union has set up establishments in at least two third countries. Financial supervisors may invite their counterparts in those third countries to set up such college. The financial supervisors participating in the college shall establish a written agreement detailing the conditions and procedures of the cooperation and exchange of information. COM proposes that written agreements only necessary for third country supervisors EP to revert CONS to revert EC to revert Text Origin: Commission Proposal TM7 04092023
Article 36(4)				
473	4. Such colleges may be used for	4. Such colleges may be used for	4. Such colleges may be used for	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	exchanging information, providing mutual assistance or coordinating the supervisory approach to the institution, including, where relevant, the taking of appropriate and proportionate measures to address serious breaches of the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] that are detected across the establishments set up by the institution in the jurisdiction of a supervisor participating in the college.	exchanging information, providing mutual assistance or coordinating the supervisory approach to the institution, including, where relevant, the taking of appropriate and proportionate measures to address serious breaches of the requirements of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ that are detected across the establishments set up by the institution in the jurisdiction of a supervisor participating in the college.	exchanging information, providing mutual assistance or coordinating the supervisory approach to the institution, including, where relevant, the taking of appropriate and proportionate measures to address serious breaches of the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] that are detected across the establishments set up by the institution in the jurisdiction of a supervisor participating in the college.	
Article 36(5)				
474	5. AMLA shall attend the meetings of the AML/CFT supervisory colleges and shall facilitate their work in accordance with Article 29 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].	5. AMLA ~~shall~~ <u>may</u> attend the meetings of the AML/CFT supervisory colleges and shall facilitate their work in accordance with Article 29 of Regulation <u>[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]</u> ~~[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]~~ .	5. AMLA shall attend the meetings of the AML/CFT supervisory colleges and shall facilitate their work in accordance with Article 29 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]. <u>AMLA shall have the power to intervene where disagreements arise between supervisors participating in the AML/CFT supervisory colleges and to settle the disagreement on the matter by means of a binding</u>	AMLA related TM7 04092023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>instruction pursuant to Article XX(X) of that Regulation.</u>	
Article 36(5a)				
474a			<u>5a. Financial supervisors in third countries may be allowed to participate in AML/CFT supervisory colleges, in particular in AML/CFT supervisory colleges established under paragraph 1, point (b), provided that:</u> <u>(a) there is a request for participation;</u> <u>(b) Union data protection rules concerning data transfers apply;</u> <u>(c) participation is on the basis of reciprocity;</u> <u>(d) the information disclosed is subject to a guarantee of professional secrecy requirements at least equivalent to that referred to in Article 50(1) and is used solely for the purpose of performing the supervisory tasks of the participating financial supervisors.</u> <u>AMLA shall assess whether financial supervisors in third countries fulfil the conditions laid down in the first subparagraph and shall decide on the participation of financial supervisors in third countries in AML/CFT supervisory colleges.</u>	<u>5a. Financial supervisors in third countries may be allowed to participate in AML/CFT supervisory colleges, in particular in AML/CFT supervisory colleges established under paragraph 1, point (b), provided that:</u> <u>(a) there is a request for participation;</u> <u>(b) Union data protection rules concerning data transfers apply;</u> <u>(c) participation is on the basis of reciprocity;</u> <u>(d) the information disclosed is subject to a guarantee of professional secrecy requirements at least equivalent to that referred to in Article 50(1) and is used solely for the purpose of performing the supervisory tasks of the participating financial supervisors.</u> <u>AMLA may assess whether financial supervisors in third countries fulfil the conditions laid down in the first subparagraph.</u> EP to revert AMLA related CONS to revert Text Origin: EP Mandate TM8 05092023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 36(6), first subparagraph				
475	6. By [2 year after the date of entry into force of this Directive], AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall specify the general conditions for the functioning of the AML/CFT supervisory colleges, including the terms of cooperation between participants, and the operational functioning of such colleges.	6. By <u>[2 year after the date of entry into force of this Directive]</u>~~[2 year after the date of entry into force of this Directive]~~, AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall specify the general conditions for the functioning of the AML/CFT supervisory colleges, including the terms of cooperation between participants, and the operational functioning of such colleges.	6. By [2 year after the date of entry into force of this Directive], AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall specify the general conditions for the functioning of the AML/CFT supervisory colleges; <u>on a risk sensitive basis</u> including the terms of cooperation between participants, and the operational functioning of such colleges. <u>They shall further specify requirements for the participation of financial supervisors in third countries. Prior to the submission of those draft regulatory technical standards to the Commission, AMLA shall consult with the European Data Protection Board on the data protection rules which apply to data transferred to financial supervisors in third countries.</u>	6. By [2 year after the date of entry into force of this Directive], AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall specify the general conditions for the functioning of the AML/CFT supervisory colleges; <u>on a risk sensitive basis</u> including the terms of cooperation between participants, and the operational functioning of such colleges. <u>They shall further specify requirements for the participation of financial supervisors in third countries.</u> COM to propose a drafting AMLA related EC to revert Text Origin: EP Mandate TM8 05092023
Article 36(6), second subparagraph				
476	The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in the first subparagraph in accordance with	The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in the first subparagraph in accordance with	The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in the first subparagraph in accordance with	The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in the first subparagraph in accordance with

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Articles 38 to 41 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].	Articles 38 to 41 of Regulation <u>[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]</u> ~~[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]~~ .	Articles 38 to 41 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].	Articles 38 to 41 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]. Text Origin: Commission Proposal
Article 36a				
476a			<u>Article 36a</u> <u>AML/CFT supervisory colleges in the non-financial sector</u> 1. <u>Member States shall ensure that non-financial supervisors participate in dedicated AML/CFT supervisory colleges that are established pursuant to article 31a of Regulation ... [please insert reference to AMLA Regulation - 2021/0240 (COD)] in any of the following situations:</u> (a) <u>where an obliged entity as referred to in Article 3, point (3), of Regulation ... [please insert reference to Anti-Money Laundering Regulation - 2021/0239 (COD)] has set up establishments or provides services in at least three different Member States other than the Member State where it is established and has an annual EU-wide turnover of at least EUR 200 million;</u>	EP to propose a redrafting AMLA related AMLR related EP to revert TM7 04092023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>(b) where an obliged entity as referred to in Article 3, point (3), of Regulation ... [please insert reference to Anti-Money Laundering Regulation - 2021/0239 (COD)] is a third-country entity that operates in at least four Member States and has an annual EU-wide turnover of at least EUR 200 million.</u> <u>2. The supervisory activities of AML/CFT supervisory colleges shall be proportionate to the level of risk posed by the obliged entity and the scale of its cross-border activity. AML/CFT supervisory colleges may adjust the programme of supervisory activities within the college on a risk-sensitive basis.</u> <u>3. For the purposes of paragraph 1 of this Article, following a decision in accordance with Article 31a of Regulation ... [please insert reference to AMLA Regulation - 2021/0240 (COD)], Member States shall ensure that non-financial supervisors identify:</u> <u>(a) all obliged entity as referred to in Article 3, point (3), of Regulation ... [please insert reference to Anti-Money Laundering Regulation - 2021/0239 (COD)] operating on a cross-border basis that have been authorised in their Member State;</u> <u>(b) all establishments set up by obliged entities as referred to in</u>	

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>Article 3, point (3), of Regulation ... [please insert reference to Anti-Money Laundering Regulation - 2021/0239 (COD)] in other jurisdictions;</u> <u>(c) establishments set up in their territory by obliged entities as referred to in Article 3, point (3), of Regulation ... [please insert reference to Anti-Money Laundering Regulation - 2021/0239 (COD)] from other Member States or third countries.</u> <u>4. Such AML/CFT supervisory colleges may be used for exchanging information, providing mutual assistance and, where appropriate, coordinating the supervisory approach to the obliged entity, including the taking of appropriate and proportionate measures to address serious breaches of the requirements of Regulation ... [please insert reference to Anti-Money Laundering Regulation - 2021/0239 (COD)] that are detected in the jurisdiction of a supervisor participating in the college.</u> <u>5. AMLA shall decide on the need to establish the AML/CFT supervisory colleges and attend the meetings of the AML/CFT supervisory colleges and shall facilitate their work in accordance with Article 31a of Regulation ... [please insert reference to AMLA</u>	

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>Regulation - 2021/0240 (COD)].</u> <u>AMLA shall have the power to</u> <u>intervene where disagreements</u> <u>arise between supervisors</u> <u>participating in the AML/CFT</u> <u>supervisory colleges and mediate</u> <u>and assist in resolving conflicts</u> <u>between participating supervisory</u> <u>authorities on their request</u> <u>pursuant to Article 31a(2) of that</u> <u>Regulation.</u> <u>6. Non-financial supervisors</u> <u>in third countries may be allowed to</u> <u>participate in AML/CFT</u> <u>supervisory colleges, in particular</u> <u>in AML/CFT supervisory colleges</u> <u>established under paragraph 1,</u> <u>point (b), provided that:</u> <u>(a) there is a request for</u> <u>participation;</u> <u>(b) Union data protection rules</u> <u>concerning data transfers apply;</u> <u>(c) participation is on the</u> <u>basis of reciprocity;</u> <u>(d) the information disclosed is</u> <u>subject to a guarantee of</u> <u>professional secrecy requirements</u> <u>at least equivalent to that referred</u> <u>to in Article 50(1) and is used solely</u> <u>for the purpose of performing the</u> <u>supervisory tasks of the</u> <u>participating non-financial</u> <u>supervisors.</u> <u>AMLA shall assess whether non-</u> <u>financial supervisors in third</u> <u>countries fulfil the conditions laid</u> <u>down in the first subparagraph and</u>	

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>decide on the participation of non-financial supervisors in third countries in AML/CFT supervisory colleges.</u> <u>7. By ... [three year after the date of entry into force of this Directive], AMLA shall develop draft regulatory technical standards and submit them to the Commission. Those draft regulatory technical standards shall specify the general conditions for the functioning of the AML/CFT supervisory colleges on a risk sensitive basis including the terms of cooperation between participants, and the operational functioning of such colleges. They shall further specify requirements for the participation of non-financial supervisors in third countries. Prior to the submission of those draft regulatory technical standards to the Commission, AMLA shall consult with the European Data Protection Board on the data protection rules which apply to data transferred to non-financial supervisors in third countries.</u> <u>The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in the first subparagraph in accordance with Articles 38 to 41 of Regulation ... [please insert reference to AMLA</u>	

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>Regulation - 2021/0240 (COD).</u>	
Article 37				
477	Article 37 Cooperation with financial supervisors in third countries	Article 37 Cooperation with financial supervisors in third countries	Article 37 Cooperation with ~~financial~~ supervisors in third countries	Article 37 Cooperation with ~~financial~~ supervisors in third countries Text Origin: EP Mandate
Article 37(1), first subparagraph				
478	1. Member States may authorise financial supervisors to conclude cooperation agreements providing for collaboration and exchanges of confidential information with their counterparts in third countries. Such cooperation agreements shall comply with applicable data protection rules for data transfers and be concluded on the basis of reciprocity and only if the information disclosed is subject to a guarantee of professional secrecy requirements at least equivalent to that referred to in Article 50(1). Confidential information exchanged in accordance with those cooperation agreements shall be used for the purpose of performing the supervisory tasks of those authorities only.	1. Member States may authorise financial supervisors to conclude cooperation agreements providing for collaboration and exchanges of confidential information with their counterparts in third countries. Such cooperation agreements shall comply with applicable data protection rules for data transfers and be concluded on the basis of reciprocity and only if the information disclosed is subject to a guarantee of professional secrecy requirements at least equivalent to that referred to in Article 50(1). Confidential information exchanged in accordance with those cooperation agreements shall be used for the purpose of performing the supervisory tasks of those authorities only.	1. Member States ~~may~~ <u>shall</u> authorise ~~financial~~ supervisors to conclude cooperation agreements providing for collaboration and exchanges of confidential information with their counterparts in third countries. Such cooperation agreements shall comply with applicable data protection rules ~~for data transfers~~ and be concluded on the basis of reciprocity and ~~only if the information disclosed is~~ subject to a guarantee of professional secrecy requirements at least equivalent to that referred to in Article 50(1). Confidential information exchanged in accordance with those cooperation agreements shall be used for the purpose of performing the supervisory tasks of those authorities only.	1. Member States ~~may authorise~~ <u>financial shall ensure that</u> supervisors <u>are able</u> to conclude cooperation agreements providing for collaboration and exchanges of confidential information with their counterparts in third countries. Such cooperation agreements shall comply with applicable data protection rules ~~for data transfers~~ and be concluded on the basis of reciprocity and ~~only if the information disclosed is~~ subject to a guarantee of professional secrecy requirements at least equivalent to that referred to in Article 50(1). Confidential information exchanged in accordance with those cooperation agreements shall be used for the purpose of performing the supervisory tasks of those authorities only.

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				EC suggests tackling this under Article 50 to deal with situations of information exchange in the context of mixed groups EC to revert Text Origin: EP Mandate TM8 05092023 TM9 06092023
Article 37(1), second subparagraph				
479	Where the information exchanged originates in another Member State, it shall only be disclosed with the explicit consent of the financial supervisor which shared it and, where appropriate, solely for the purposes for which that supervisor gave its consent.	Where the information exchanged originates in another Member State, it shall only be disclosed with the explicit consent of the financial supervisor which shared it and, where appropriate, solely for the purposes for which that supervisor gave its consent.	Where the information exchanged originates in another Member State, it shall only be disclosed with the explicit consent of the <i>financial</i> supervisor which shared it and, where appropriate, solely for the purposes for which that supervisor gave its consent.	Where the information exchanged originates in another Member State, it shall only be disclosed with the explicit consent of the <i>financial</i> supervisor which shared it and, where appropriate, solely for the purposes for which that supervisor gave its consent. Text Origin: EP Mandate
Article 37(2)				
480	2. For the purposes of paragraph 1, AMLA may lend such assistance as may be necessary to assess the equivalence of professional secrecy requirements applicable to the third country counterpart.	2. For the purposes of paragraph 1, AMLA may lend such assistance as may be necessary to assess the equivalence of professional secrecy requirements applicable to the third country counterpart.	2. For the purposes of paragraph 1, AMLA ~~may lend such assistance as may be necessary to~~ shall assess the equivalence of professional secrecy requirements applicable to the third country counterpart.	2. For the purposes of paragraph 1, AMLA ~~may lend such assistance as may be necessary to~~ shall assess the equivalence of professional secrecy requirements applicable to the third country counterpart. EC to revert Text Origin: EP Mandate TM8 05092023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 37(3)				
481	3. Member States shall ensure that financial supervisors notify any agreement signed pursuant to this Article to AMLA within one month of its signature.	3. Member States shall ensure that financial supervisors notify any agreement signed pursuant to this Article to AMLA within one month of its signature.	3. Member States shall ensure that ~~financial~~ supervisors notify any agreement signed pursuant to this Article to AMLA within one month of its signature. <u>AMLA shall develop draft implementing technical standards specifying a common template for the cooperation agreements referred to in paragraph 1. The Commission is empowered to adopt those implementing technical standards in accordance with Article 42 of Regulation ... [please insert reference to AMLA Regulation - 2021/0240 (COD)].</u>	3. Member States shall ensure that ~~financial~~ supervisors notify any agreement signed pursuant to this Article to AMLA within one month of its signature. <u>AMLA shall develop draft implementing technical standards specifying a common template for the cooperation agreements referred to in paragraph 1. The Commission is empowered to adopt those implementing technical standards in accordance with Article 42 of Regulation ... [please insert reference to AMLA Regulation - 2021/0240 (COD)].</u> EC to revert Text Origin: EP Mandate TM8 05092023
Article 37(3a)				
481a				<u>3a. By [xx years after the entry into force of this directive], AMLA shall develop draft implementing technical standards and submit them to the Commission for adoption. Those draft implementing technical standards shall specify the template to be used for the</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				<u>conclusion of cooperation agreements referred to in paragraph 1.</u> EC text proposal TM9 of 06092023
Article 37(3b)				
481b				<u>3b. The Commission is empowered to adopt the implementing technical standards referred to in paragraph 4 of this Article in accordance with Article 42 of Regulation ... [please insert reference to AMLA Regulation - 2021/0240 (COD)].</u> EC text proposal TM9 of 06092023
Section 3				
482	Section 3 Specific provisions relating to self-regulatory bodies	Section 3 Specific provisions relating to self-regulatory bodies	Section 3 Specific provisions relating to self-regulatory bodies	Section 3 Specific provisions relating to self-regulatory bodies Text Origin: Commission Proposal
Article 38				
483	Article 38 Oversight of self-regulatory bodies	Article 38 Oversight of self-regulatory bodies	Article 38 Oversight of self-regulatory bodies	Article 38 Oversight of self-regulatory bodies Text Origin: Commission

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Proposal
Article 38(1)				
484	1. Where Member States decide, pursuant to Article 29(3), to allow self-regulatory bodies to perform supervision of the entities referred to in Article 3, points (3)(a), (b) and (d), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], they shall ensure that the activities of such self-regulatory bodies in the performance of such functions are subject to oversight by a public authority.	1. Where Member States decide, pursuant to Article 29(3), to allow self-regulatory bodies to perform supervision of the entities referred to in Article 3, points (3)(a), (b) and (d), of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u>~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~, they shall ensure that the activities of such self-regulatory bodies in the performance of such functions are subject to oversight by a public authority.	1. Where Member States decide, pursuant to Article 29(3), to allow self-regulatory bodies to perform supervision of the entities referred to in Article 3, points (3)(a), ~~(b) and (d)~~ <u>and (b)</u>, of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], they shall ensure that the activities of such self-regulatory bodies in the performance of such functions are subject to oversight by a public authority.	1. Where Member States decide, pursuant to Article 29(3), to allow self-regulatory bodies to perform supervision of the entities referred to in Article 3, points (3)(a), ~~(b) and (d)~~ <u>and (b)</u>, of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], they shall ensure that the activities of such self-regulatory bodies in the performance of such functions are subject to oversight by a public authority. Text Origin: EP Mandate TM8 05092023
Article 38(1a)				
484a			<u>1a. The public authority overseeing self-regulatory bodies shall be operationally independent and autonomous and shall carry out its functions free of political, government or industry influence or interference. Staff of those public authorities shall be of high integrity and appropriately skilled, including in detecting biases in, and in the ethical use of, big data sets, and shall maintain high</u>	COM to propose a new drafting. EC to revert EP to revert TM8 05092023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>professional standards, including standards of confidentiality, of data protection and of addressing conflicts of interest.</u>	
Article 38(2)				
485	2. The authority overseeing self-regulatory bodies shall be responsible for:	2. The authority overseeing self-regulatory bodies shall be responsible for:	2. The authority overseeing self-regulatory bodies shall be responsible for <u>ensuring that self regulatory bodies as a minimum fulfil their legal obligations stemming from Union legal acts and from national legislation transposing Union legal acts, including by:</u>	2. The authority overseeing self-regulatory bodies shall be responsible for <u>ensuring that self regulatory bodies as a minimum fulfil their obligations under this directive, in particular the performance of the tasks referred to under article 29(4), including by:]</u> COM to propose a new drafting and a recital explaining that additional measures on national level can be applied. linked to 488 EC to revert CONS to revert Text Origin: EP Mandate TM8 05092023
Article 38(2), point (a)				
486	(a) verifying that any self-regulatory body performing the functions or aspiring to perform the functions referred to in Article 29(1) satisfies the requirements of paragraph 3 of	(a) verifying that any self-regulatory body performing the functions or aspiring to perform the functions referred to in Article 29(1) satisfies the requirements of paragraph 3 of	(a) verifying that any self-regulatory body performing the functions or aspiring to perform the functions referred to in Article 29(1) satisfies the requirements of paragraph 3 of	(a) verifying that any self-regulatory body performing the functions or aspiring to perform the functions referred to in Article 29(1) satisfies the requirements of paragraph 3 of

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	that Article;	that Article;	that Article;	that Article; Text Origin: Commission Proposal
Article 38(2), point (b)				
487	(b) issuing guidance as regards the performance of the functions referred to in Article 29(1);	(b) issuing guidance as regards the performance of the functions referred to in Article 29(1);	(b) issuing guidance as regards the performance of the functions referred to in Article 29(1);	(b) issuing guidance as regards the performance of the functions referred to in Article 29(1); Text Origin: Commission Proposal
Article 38(2), point (c)				
488	(c) ensuring that self-regulatory bodies perform their functions under Section 1 of this Chapter to the highest standards;	(c) ensuring that self-regulatory bodies perform their functions <u>in accordance with the applicable rules</u> under Section 1 of this Chapter ~~to the highest standards~~ ;	(c) ensuring that self-regulatory bodies perform their functions under Section 1 of this Chapter to the highest standards <u>and that, in particular, self-regulatory bodies perform the tasks laid down in Article 29(4)</u> ;	(c) ensuring that self-regulatory bodies perform their functions under Section 1 of this Chapter ~~to the highest standards~~ <u>adequately and effectively</u> ; EP amendment moved to line 485 Text Origin: Commission Proposal TM8 05092023
Article 38(2), point (d)				
489	(d) reviewing the exemptions granted by self-regulatory bodies from the obligation to draw up an individual documented risk assessment pursuant to Article 29(4), point (b).	(d) reviewing the exemptions granted by self-regulatory bodies from the obligation to draw up an individual documented risk assessment pursuant to Article 29(4), point (b).	(d) reviewing the exemptions granted by self-regulatory bodies from the obligation to draw up an individual documented risk assessment pursuant to Article 29(4), point (b).	(d) reviewing the exemptions granted by self-regulatory bodies from the obligation to draw up an individual documented risk assessment pursuant to Article 29(4), point (b).

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 38(3)				
490	3. Member States shall ensure that the authority overseeing self-regulatory bodies is granted adequate powers to discharge its responsibilities under paragraph 2. As a minimum, Member States shall ensure that the authority has the power to:	3. Member States shall ensure that the authority overseeing self-regulatory bodies is granted adequate powers to discharge its responsibilities under paragraph 2. As a minimum, Member States shall ensure that the authority has the power to:	3. Member States shall ensure that the authority overseeing self-regulatory bodies is granted adequate powers to discharge its responsibilities under paragraph 2. ~~As a minimum~~ <u>In particular</u> , Member States shall ensure that the authority has the power to:	3. Member States shall ensure that the authority overseeing self-regulatory bodies is granted adequate powers to discharge its responsibilities under paragraph 2. As a minimum, Member States shall ensure that the authority has the power to: Text Origin: Commission Proposal TM8 05092023
Article 38(3), point (a)				
491	(a) compel the production of any information that is relevant to monitoring compliance and performing checks, except for any information collected by obliged entities referred to in Article 3, points (3)(a), (b) and (d), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] in the course of ascertaining the legal position of their client, or for performing the task of defending or representing that client in, or concerning, judicial	(a) compel the production of any information that is relevant to monitoring compliance and performing checks, except for any information collected by obliged entities referred to in Article 3, points (3)(a), (b) and (d), of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] in the course of ascertaining the legal position of their client, or for performing the task of defending or representing that client in, or concerning, judicial	(a) compel the production of any information that is relevant to monitoring compliance and performing checks, except for any information collected by obliged entities referred to in Article 3, points (3)(a), ~~(b) and (d)~~ <u>and (b)</u> , of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] in the course of ascertaining the legal position of their client, <u>subject to the conditions laid down in that Regulation</u> , or for performing the task of defending or	(a) compel the production of any information that is relevant to monitoring compliance and performing checks, except for any information collected by obliged entities referred to in Article 3, points (3)(a), ~~(b) and (d)~~ <u>and (b)</u> , of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] in the course of ascertaining the legal position of their client, <u>subject to the conditions of article [17(1)/(1a)] of that Regulation</u> , or for performing the

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	proceedings, including providing advice on instituting or avoiding such proceedings; whether such information was collected before, during or after such proceedings;	proceedings, including providing advice on instituting or avoiding such proceedings; whether such information was collected before, during or after such proceedings;	representing that client in, or concerning, judicial proceedings, including providing advice on instituting or avoiding such proceedings; whether such information was collected before, during or after such proceedings;	task of defending or representing that client in, or concerning, judicial proceedings, including providing advice on instituting or avoiding such proceedings; whether such information was collected before, during or after such proceedings; CONS to revert Text Origin: EP Mandate TM8 05092023
Article 38(3), point (b)				
492	(b) issue instructions to a self-regulatory body for the purpose of remedying a failure to perform its functions under Article 29(1) or to comply with the requirements of paragraph 6 of that Article, or to prevent any such failures. When issuing such instructions, the authority shall consider any relevant guidance it provided or that has been provided by AMLA.	(b) issue instructions to a self-regulatory body for the purpose of remedying a failure to perform its functions under Article 29(1) or to comply with the requirements of paragraph 6 of that Article, or to prevent any such failures. When issuing such instructions, the authority shall consider any relevant guidance it provided or that has been provided by AMLA.	(b) issue instructions to a self-regulatory body for the purpose of remedying a failure to perform its functions under Article 29(1) or to comply with the requirements of paragraph <u>5 and</u> 6 of that Article, or to prevent any such failures. When issuing such instructions, the authority shall consider any relevant guidance it provided or that has been provided by AMLA.	(b) issue instructions to a self-regulatory body for the purpose of remedying a failure to perform its functions under Article 29(1) or to comply with the requirements of paragraph <u>65</u> of that Article, or to prevent any such failures. When issuing such instructions, the authority shall consider any relevant guidance it provided or that has been provided by AMLA. Text Origin: Commission Proposal TM8 05092023
Article 38(3), point (ba)				
492a		<u>3a. Member States shall ensure that the authority overseeing self-regulatory bodies of notaries,</u>		COM to propose a draft incorporating CONS amendment in a recital.

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		<u>lawyers or other independent legal professionals neither performs supervisory tasks vis-à-vis obliged entities nor decides on single supervisory actions of those self-regulatory bodies vis-à-vis obliged entities.</u>		EC to revert TM8 05092023
Article 38(4)				
493	4. Member States shall ensure that the authority overseeing self-regulatory bodies informs the authorities competent for investigating and prosecuting criminal activities timely, directly or through the FIU, of any breaches which are subject to criminal sanctions that it detects in the performance of its tasks.	4. Member States shall ensure that the authority overseeing self-regulatory bodies informs the authorities competent for investigating and prosecuting criminal activities timely, directly or through the FIU, of any breaches which are subject to criminal sanctions that it detects in the performance of its tasks.	4. Member States shall ensure that the authority overseeing self-regulatory bodies informs the authorities competent for investigating and prosecuting criminal activities timely, directly or through the FIU, of any breaches which are subject to criminal sanctions that it detects in the performance of its tasks.	4. Member States shall ensure that the authority overseeing self-regulatory bodies informs the authorities competent for investigating and prosecuting criminal activities timely, directly or through the FIU, of any breaches which are subject to criminal sanctions that it detects in the performance of its tasks. Text Origin: Commission Proposal
Article 38(5), first subparagraph				
494	5. The authority overseeing self-regulatory bodies shall publish an annual report containing information about:	5. The authority overseeing self-regulatory bodies shall publish an annual report containing information about:	5. The authority overseeing self-regulatory bodies shall publish an annual report containing information about:	5. The authority overseeing self-regulatory bodies shall publish an annual report containing information about: Text Origin: Commission Proposal
Article 38(5), first subparagraph, point (a)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
495	(a) the number and nature of breaches detected by each self-regulatory body and the administrative measures or sanctions imposed on obliged entities;	(a) the number and nature of breaches detected by each self-regulatory body and the administrative measures or sanctions imposed on obliged entities;	(a) the number and nature of breaches detected by each self-regulatory body and the administrative measures or sanctions imposed on obliged entities;	(a) the number and nature of breaches detected by each self-regulatory body and the administrative measures or sanctions imposed on obliged entities; Text Origin: Commission Proposal
Article 38(5), first subparagraph, point (b)				
496	(b) the number of suspicious transactions reported by the entities subject to supervision by each self-regulatory body to the FIU, whether submitted directly pursuant to Article 50(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], or forwarded by each self-regulatory body to the FIU pursuant to Article 51(1) of that Regulation;	(b) the number of suspicious transactions reported by the entities subject to supervision by each self-regulatory body to the FIU, whether submitted directly pursuant to Article 50(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], or forwarded by each self-regulatory body to the FIU pursuant to Article 51(1) of that Regulation;	(b) the number of suspicious transactions reported by the entities subject to supervision by each self-regulatory body to the FIU, whether submitted directly pursuant to Article 50(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], or forwarded by each self-regulatory body to the FIU pursuant to Article 51(1) of that Regulation;	(b) the number of suspicious transactions reported by the entities subject to supervision by each self-regulatory body to the FIU, whether submitted directly pursuant to Article 50(1) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], or forwarded by each self-regulatory body to the FIU pursuant to Article 51(1) of that Regulation; Text Origin: Commission Proposal
Article 38(5), first subparagraph, point (c)				
497	(c) the number and description of measures taken under Article 40 by each self-regulatory body to monitor compliance by obliged entities with the requirements of Regulation [please insert reference – proposal	(c) the number and description of measures taken under Article 40 by each self-regulatory body to monitor compliance by obliged entities with the requirements of Regulation [please insert reference – proposal	(c) the number and description of measures taken under Article 40 by each self-regulatory body to monitor compliance by obliged entities with the requirements of Regulation [please insert reference – proposal	(c) the number and description of measures taken under Article 40 by each self-regulatory body to monitor compliance by obliged entities with the requirements of Regulation [please insert reference – proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	for Anti-Money Laundering Regulation - COM/2021/420 final] referred to in Article 40(1);	for Anti-Money Laundering Regulation - COM/2021/420 final] referred to in Article 40(1);	for Anti-Money Laundering Regulation - COM/2021/420 final] referred to in Article 40(1);	for Anti-Money Laundering Regulation - COM/2021/420 final] referred to in Article 40(1); Text Origin: Commission Proposal
Article 38(5), first subparagraph, point (d)				
498	(d) the number and description of measures taken by the authority overseeing self-regulatory bodies under this Article and the number of instructions issued to self-regulatory bodies.	(d) the number and description of measures taken by the authority overseeing self-regulatory bodies under this Article and the number of instructions issued to self-regulatory bodies.	(d) the number and description of measures taken by the authority overseeing self-regulatory bodies under this Article and the number of instructions issued to self-regulatory bodies.	(d) the number and description of measures taken by the authority overseeing self-regulatory bodies under this Article and the number of instructions issued to self-regulatory bodies. Text Origin: Commission Proposal
Article 38(5), second subparagraph				
499	Such report shall be made available on the website of the authority overseeing self-regulatory bodies and submitted to the Commission and AMLA.	Such report shall be made available on the website of the authority overseeing self-regulatory bodies and submitted to the Commission and AMLA.	Such report shall be made available on the website of the authority overseeing self-regulatory bodies and submitted to the Commission and AMLA.	Such report shall be made available on the website of the authority overseeing self-regulatory bodies and submitted to the Commission and AMLA. Text Origin: Commission Proposal
Section 4				
500	Section 4 Administrative sanctions and measures	Section 4 Administrative sanctions and measures	Section 4 Administrative sanctions and measures	Section 4 Administrative sanctions and measures Text Origin: Commission

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Proposal
Article 39				
501	Article 39 General provisions	Article 39 General provisions	Article 39 General provisions	Article 39 General provisions Text Origin: Commission Proposal
Article 39(1)				
502	1. Member States shall ensure that obliged entities can be held liable for breaches of the Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] in accordance with this Section.	1. Member States shall ensure that obliged entities can be held liable for breaches of the Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ in accordance with this Section.	1. Member States shall ensure that obliged entities can be held liable for breaches of the Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] in accordance with this Section.	1. Member States shall ensure that obliged entities can be held liable for breaches of the Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ in accordance with this Section. Text Origin: Council Mandate TM9 of 06.09.2023
Article 39(2)				
503	2. Without prejudice to the right of Member States to provide for and impose criminal sanctions, Member States shall lay down rules on administrative sanctions and measures and ensure that supervisors may impose such sanctions and	2. Without prejudice to the right of Member States to provide for and impose criminal sanctions, Member States shall lay down rules on administrative sanctions and measures and ensure that supervisors may impose such sanctions and	2. Without prejudice to the right of Member States to provide for and impose criminal sanctions, Member States shall lay down rules on administrative sanctions and measures and ensure that supervisors may impose such sanctions and	2. Without prejudice to the right of Member States to provide for and impose criminal sanctions, Member States shall lay down rules on ~~administrative~~ [sanctions and <u>administrative</u> measures] and ensure that supervisors may impose such

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	measures with respect to breaches of this Directive, and shall ensure that they are applied. Any resulting sanction or measure imposed pursuant to this Section shall be effective, proportionate and dissuasive.	measures with respect to breaches of ~~this Directive~~ , <u>Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] or [please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final]</u> and shall ensure that they are applied. Any resulting sanction or measure imposed pursuant to this Section shall be effective, proportionate and dissuasive.	measures with respect to breaches of this Directive, and shall ensure that they are applied. Any resulting sanction or measure imposed pursuant to this Section shall be effective, proportionate and dissuasive.	sanctions and measures with respect to breaches of ~~this Directive~~ , <u>Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] or [please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final]</u> and shall ensure that they are applied. Any resulting sanction or measure imposed pursuant to this Section shall be effective, proportionate and dissuasive. Text Origin: Council Mandate TM9 of 06.09.2023
Article 39(2a)				
503a		<u>Member States may decide not to lay down rules for administrative sanctions or measures for breaches which are subject to criminal sanctions in their national law. In that case, Member States shall communicate to the Commission the relevant criminal law provisions.</u>		EC comment: see precedent in Directive 1/2019 on European competition network where EU law provides for penalties only.
Article 39(3), first subparagraph				
504	3. In the event of a breach of Regulation [please insert reference – proposal for Anti-Money	3. In the event of a breach of Regulation <u>[please insert reference – proposal for Anti-Money</u>	3. In the event of a breach of Regulation [please insert reference – proposal for Anti-Money	3. In the event of a breach of Regulation <u>[please insert reference – proposal for Anti-Money</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Laundering Regulation - COM/2021/420 final], Member States shall ensure that where obligations apply to legal persons, administrative sanctions and measures can be applied to the senior management and to other natural persons who under national law are responsible for the breach.	<u>Laundering Regulation - COM/2021/420 final]</u>~~[please insert reference—proposal for Anti-Money Laundering Regulation—COM/2021/420 final]~~, Member States shall ensure that where obligations apply to legal persons, administrative sanctions and measures can be applied <u>not only to the legal person, but also</u> to the senior management and to other natural persons who under national law are responsible for the breach.	Laundering Regulation - COM/2021/420 final], Member States shall ensure that where obligations apply to <u>a</u> legal ~~persons~~<u>person</u>, administrative sanctions and measures can be applied to ~~the~~<u>its</u> senior management and to other natural persons who under national law are responsible for the breach.	<u>Laundering Regulation - COM/2021/420 final]</u>~~[please insert reference—proposal for Anti-Money Laundering Regulation—COM/2021/420 final]~~, Member States shall ensure that where obligations apply to legal persons, administrative sanctions and measures can be applied <u>not only to the legal person, but also</u> to the senior management and to other natural persons who under national law are responsible for the breach. Text Origin: Council Mandate TM9 of 06.09.2023
Article 39(3), second subparagraph				
505	Member States shall ensure that where supervisors identify breaches which are subject to criminal sanctions, they inform the authorities competent for investigating and prosecuting criminal activities in a timely manner.	Member States shall ensure that where supervisors identify breaches which are subject to criminal sanctions, they inform the authorities competent for investigating and prosecuting criminal activities in a timely manner.	Member States shall ensure that where supervisors identify breaches which are subject to criminal sanctions, they inform the authorities competent for investigating and prosecuting criminal activities in a timely manner.	Member States shall ensure that where supervisors identify breaches which are subject to criminal sanctions, they inform the authorities competent for investigating and prosecuting criminal activities in a timely manner. Text Origin: Commission Proposal
Article 39(4), first subparagraph				
506	4. Supervisors shall exercise their powers to impose administrative sanctions and measures in accordance with this Directive and	4. Supervisors shall exercise their powers to impose administrative sanctions and measures in accordance with this Directive and	4. Supervisors shall exercise their powers to impose administrative sanctions and measures in accordance with this Directive and	4. ~~Supervisors shall exercise their powers to impose administrative~~ Sanctions and measures in accordance with this Directive and

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	with national law, in any of the following ways:	with national law, in any of the following ways:	with national law, in any of the following ways:	with national law, <u>shall be imposed</u> in any of the following ways: Text Origin: Commission Proposal TM9 of 06.09.2023
Article 39(4), first subparagraph, point (a)				
507	(a) directly;	(a) directly;	(a) directly;	(a) directly <u>by the supervisors</u> ; Text Origin: Commission Proposal
Article 39(4), first subparagraph, point (b)				
508	(b) in collaboration with other authorities;	(b) in collaboration with other authorities;	(b) in collaboration with other authorities;	(b) in collaboration ~~with~~ <u>between the supervisors and</u> other authorities; Text Origin: Commission Proposal
Article 39(4), first subparagraph, point (c)				
509	(c) under their responsibility by delegation to such other authorities;	(c) under their responsibility by delegation to such other authorities;	(c) under their responsibility by delegation to such other authorities;	(c) under ~~their~~ <u>the</u> responsibility <u>of the supervisors</u> by delegation to such other authorities; Text Origin: Commission Proposal
Article 39(4), first subparagraph, point (d)				
510	(d) by application to the competent judicial authorities.	(d) by application to the competent judicial authorities.	(d) by application to the competent judicial authorities.	(d) by application <u>by the supervisors</u> to the competent judicial

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				authorities. Text Origin: Commission Proposal
Article 39(4), second subparagraph				
511	By [3 months after the deadline for transposition of this Directive], Member States shall notify to the Commission and AMLA the information as regards the arrangements relating to the imposition of administrative sanctions or measures pursuant to this paragraph, including, where relevant, information whether certain sanctions or measures require the recourse to a specific procedure.	By <u>[3 months after the deadline for transposition of this Directive]</u> ~~[3 months after the deadline for transposition of this Directive]~~ , Member States shall notify to the Commission and AMLA the information as regards the arrangements relating to the imposition of administrative sanctions or measures pursuant to this paragraph, including, where relevant, information whether certain sanctions or measures require the recourse to a specific procedure.	By [3 months after the deadline for transposition of this Directive], Member States shall notify to the Commission and AMLA the information as regards the arrangements relating to the imposition of administrative sanctions or measures pursuant to this paragraph, including, where relevant, information whether certain sanctions or measures require the recourse to a specific procedure.	By <u>[3 months after the deadline for transposition of this Directive]</u> ~~[3 months after the deadline for transposition of this Directive]~~ , Member States shall notify to the Commission and AMLA the information as regards the arrangements relating to the imposition of administrative sanctions or measures pursuant to this paragraph, including, where relevant, information whether certain sanctions or measures require the recourse to a specific procedure. Text Origin: Council Mandate TM9 of 06.09.2023
Article 39(5)				
512	5. Member States shall ensure that, when determining the type and level of administrative sanctions or measures, supervisors take into account all relevant circumstances, including where applicable:	5. Member States shall ensure that, when determining the type and level of administrative sanctions or measures, supervisors take into account all relevant circumstances, including where applicable:	5. Member States shall ensure that, when determining the type and level of administrative sanctions or measures, supervisors take into account all relevant circumstances, including where applicable:	5. Member States shall ensure that, when determining the type and level of administrative sanctions or measures, supervisors take into account all relevant circumstances, including where applicable: Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 39(5), point (a)				
G 513	(a) the gravity and the duration of the breach;	(a) the gravity and the duration of the breach;	(a) the gravity and the duration of the breach;	(a) the gravity and the duration of the breach; Text Origin: Commission Proposal
Article 39(5), point (aa)				
G 513a				<u>(aa) the number of instances of the same breach;</u> TM9 of 06.09.2023
Article 39(5), point (b)				
G 514	(b) the degree of responsibility of the natural or legal person held responsible;	(b) the degree of responsibility of the natural or legal person held responsible;	(b) the degree of responsibility of the natural or legal person held responsible;	(b) the degree of responsibility of the natural or legal person held responsible; Text Origin: Commission Proposal
Article 39(5), point (c)				
G 515	(c) the financial strength of the natural or legal person held responsible, including in light of its total turnover or annual income;	(c) the financial strength of the natural or legal person held responsible, including in light of its total turnover or annual income;	(c) the financial strength of the natural or legal person held responsible, including in light of its total turnover or annual income;	(c) the financial strength of the natural or legal person held responsible, including in light of its total turnover or annual income; Text Origin: Commission Proposal
Article 39(5), point (d)				

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516	(d) the benefit derived from the breach by the natural or legal person held responsible, insofar as it can be determined;	(d) the benefit derived from the breach by the natural or legal person held responsible, insofar as it can be determined;	(d) the benefit derived from the breach by the natural or legal person held responsible, insofar as it can be determined;	(d) the benefit derived from the breach by the natural or legal person held responsible, insofar as it can be determined; Text Origin: Commission Proposal
Article 39(5), point (e)				
517	(e) the losses to third parties caused by the breach, insofar as they can be determined;	(e) the losses to third parties caused by the breach, insofar as they can be determined;	(e) the losses to third parties caused by the breach, insofar as they can be determined;	(e) the losses to third parties caused by the breach, insofar as they can be determined; Text Origin: Commission Proposal
Article 39(5), point (f)				
518	(f) the level of cooperation of the natural or legal person held responsible with the competent authority;	(f) the level of cooperation of the natural or legal person held responsible with the competent authority;	(f) the level of cooperation of the natural or legal person held responsible with the competent authority;	(f) the level of cooperation of the natural or legal person held responsible with the competent authority; Text Origin: Commission Proposal
Article 39(5), point (g)				
519	(g) previous breaches by the natural or legal person held responsible.	(g) previous breaches by the natural or legal person held responsible.	(g) previous breaches by the natural or legal person held responsible.	(g) previous breaches by the natural or legal person held responsible. Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 39(5), point (ga)				
519a			<u>(ga) repeated similar breaches by the natural or legal person held responsible.</u>	<u>(ga) -</u> covered by new line 513a TM9 of 06.09.2023
Article 39(5), point (gb)				
519b		<u>5a. Member States shall ensure that legal persons can be held liable for the breaches of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] or [proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final] on its behalf by any person, acting individually or as part of an organ of that legal person and having a leading position within the legal person, based on:</u>		<u>5a. Member States shall ensure that legal persons can be held liable for the breaches of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] or [proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final] committed on their behalf or for their benefit by any person, acting individually or as part of a body of that legal person and having a leading position within the legal person, based on any of the following:</u> EC to propose recital on "benefit vs on behalf of" EC to revert Text Origin: Council Mandate TM9 of 06092023
Article 39(5), point (gc)				
519c		<u>(a) a power to represent the legal</u>		<u>(a) a power to represent the legal</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>person;</u>		<u>person;</u> Text Origin: Council Mandate TM9 of 06092023
	Article 39(5), point (gd)			
G	519d	<u>(b) an authority to take decisions on behalf of the legal person;</u>		<u>(b) an authority to take decisions on behalf of the legal person;</u> Text Origin: Council Mandate TM9 of 06092023
	Article 39(5), point (ge)			
G	519e	<u>(c) an authority to exercise control within the legal person.</u>		<u>(c) an authority to exercise control within the legal person.</u> Text Origin: Council Mandate TM9 of 06092023
	Article 39(5), point (gf)			
G	519f	<u>5b. Member States shall ensure that legal persons can be held liable where the lack of supervision or control by the persons referred to in paragraph 6 of this Article has made possible the commission of the breaches of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] or [proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final] on behalf of that legal person by a</u>		<u>5b. Member States shall ensure that legal persons can be held liable where the lack of supervision or control by the persons referred to in paragraph 6 of this Article has made possible the commission of the breaches of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] or [proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final] committed on their behalf or for</u>

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 394/591

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		<u>person under its authority.</u>		<u>their benefit by a person under its authority.</u> Text Origin: Council Mandate TM9 of 06.09.2023
Article 39(6)				
520	6. In the exercise of their powers to impose administrative sanctions and measures, supervisors shall cooperate closely in order to ensure that those administrative sanctions or measures produce the desired results and coordinate their action when dealing with cross-border cases.	6. In the exercise of their powers to impose administrative sanctions and measures, supervisors shall cooperate closely in order to ensure that those administrative sanctions or measures produce the desired results and coordinate their action when dealing with cross-border cases.	6. In the exercise of their powers to impose administrative sanctions and measures, supervisors shall cooperate closely <u>and, where relevant, coordinate their actions with non-AML/CFT authorities,</u> in order to ensure that those administrative sanctions or measures produce the desired results and coordinate their action when dealing with cross-border cases.	
Article 39(7), first subparagraph				
521	7. By [2 years after the date of entry into force of this Directive], AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall define indicators to classify the level of gravity of breaches and criteria to be taken into account when setting the level of administrative sanctions or taking administrative measures pursuant to this Section.	7. By <u>[2 years after the date of entry into force of this Directive]</u> ~~[2 years after the date of entry into force of this Directive]~~ , AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall define indicators to classify the level of gravity of breaches and criteria to be taken into account when setting the level of administrative sanctions or taking	7. By [2 years after the date of entry into force of this Directive], AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall define indicators to classify the level of gravity of breaches and criteria to be taken into account when setting the level of administrative sanctions or taking administrative measures pursuant to this Section <u>and the consequences</u>	7. By [2 years after the date of entry into force of this Directive], AMLA shall develop draft regulatory technical standards and submit them to the Commission for adoption. Those draft regulatory technical standards shall define: <u>(a)</u> indicators to classify the level of gravity of breaches ~~and~~ ; <u>(b)</u> criteria to be taken into account when setting the level of ~~administrative~~ <u>pecuniary</u> sanctions or taking administrative measures

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		administrative measures pursuant to this Section.	<u>in the event of repeated breaches. Those draft regulatory technical standards shall also include ranges of pecuniary sanctions relative to the turnover of the entity in breach that shall be applied in accordance with the indicators to assess the level of gravity of the breach as references for effective, proportionate and dissuasive sanctions, including in cases of repeated breaches.</u>	pursuant to this Section; <u>(c) a methodology for the application of periodic penalty payments pursuant to Article 41a, including their frequency.</u> Text Origin: EP Mandate Horizontal ITM AMLD/AMLA 10.10.2023
Article 39(7), second subparagraph				
522	The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in the first subparagraph in accordance with Articles 38 to 41 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].	The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in the first subparagraph in accordance with Articles 38 to 41 of Regulation <u>[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]</u> ~~[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]~~ .	The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in the first subparagraph in accordance with Articles 38 to 41 of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].	The Commission is empowered to supplement this Directive by adopting the regulatory technical standards referred to in the first subparagraph in accordance with Articles 38 to 41 of Regulation <u>[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]</u> ~~[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]~~ . Text Origin: Council Mandate TM9 of 06092023
Article 39(7), second subparagraph a				
522a				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				<u>8. By [2 years after the date of entry into force of this Directive], AMLA shall issue guidelines on the base amounts for the imposing of pecuniary sanctions relative to turnover, broken down per type of breach and category of obliged entities.</u> Agreement on the text of article 8 Text based on EC compromise text (non-paper on aligning sanctions). Agreement to add a recital on timing /interplay between RTS/guidelines/methodology EC to revert Horizontal ITM AMLD/AMLA 10.10.2023
Article 40				
523	Article 40 Administrative sanctions	Article 40 Administrative sanctions	Article 40 Administrative sanctions	Article 40 ~~Administrative~~<u>Pecuniary</u> sanctions Text Origin: Commission Proposal Horizontal ITM AMLD/AMLA 10.10.2023
Article 40(1)				
524	1. Member States shall ensure that administrative sanctions are applied	1. Member States shall ensure that administrative sanctions ~~are~~ <u>may at</u>	1. Member States shall ensure that administrative sanctions are applied	1. Member States shall ensure that ~~administrative~~ <u>pecuniary</u> sanctions

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	to obliged entities for serious, repeated or systematic breaches of the requirements laid down in the following provisions of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]:	<u>least be</u> applied to obliged entities ~~for that have, intentionally or negligently, committed a~~ serious, repeated or systematic breaches of the requirements laid down in the following provisions of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]:~~	to obliged entities for serious, repeated or systematic breaches of the requirements laid down in the following provisions of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]:	~~[are] imposed are applied~~ to obliged entities for serious, repeated or systematic breaches, <u>whether committed intentionally or negligently,</u> -of the requirements laid down in the following provisions of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]:</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]:~~ AMLA related Text Origin: Commission Proposal Horizontal ITM AMLD/AMLA 10.10.2023

Article 40(1), point (a)

525	(a) Chapter III (customer due diligence);	(a) Chapter ~~III (customer due diligence)~~ <u>II (internal policies, procedures and control of obliged entities)</u> ;	(a) Chapter III (customer due diligence);	(a) Chapter ~~III (customer due diligence)~~ <u>II (internal policies, procedures and control of obliged entities)</u> ; Text Origin: Council Mandate TM9 of 06.09.2023

Article 40(1), point (b)

526	(b) Chapter V (reporting obligations);	(b) Chapter ~~V (reporting obligations)~~ <u>III (customer due diligence)</u> ;	(b) Chapter V (reporting obligations);	(b) Chapter ~~V (reporting obligations)~~ <u>III (customer due diligence)</u> ;

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 398/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Council Mandate TM9 of 06.09.2023
	Article 40(1), point (c)			
527	(c) Article 56 (record-retention);	(c) ~~Article 56 (record-retention)~~ <u>Chapter V (reporting obligations)</u> ;	(c) Article 56 (record-retention);	(c) ~~Article 56 (record-retention)~~ <u>Chapter V (reporting obligations)</u> ; Text Origin: Council Mandate TM9 of 06.09.2023
	Article 40(1), point (d)			
528	(d) Section 1 of Chapter II (internal controls).	(d) ~~Section 1 of Chapter II (internal controls)~~ <u>Article 56 (record-retention)</u> .	(d) Section 1 of Chapter II (internal <u>policies</u> , controls <u>and procedures of obliged entities</u>).	(d) ~~Section 1 of Chapter II (internal controls)~~ <u>Article 56 (record-retention)</u> . Text Origin: Council Mandate TM9 of 06.09.2023
	Article 40(1), point (da)			
528a		<u>1a. Member States shall also ensure that administrative sanctions under Article 40 may be applied also in the case where obliged entities do not comply with an administrative measure under Article 41.</u>		<u>(da) Member States shall also ensure that pecuniary sanctions can be imposed where obliged entities do not comply with administrative measures applied to them pursuant to Article 41 or for breaches that are not serious, repeated or systematic.</u> Principle agreed: supervisors shall be able to impose administrative sanctions in case where obliged entities did not comply with administrative measures

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				taken to address breaches. AMLA related TM9 of 06092023 Horizontal ITM AMLD/AMLA 10.10.2023
Article 40(2)				
529	2. Member States shall ensure that in the cases referred to in paragraph 1, the maximum pecuniary sanctions that can be applied amount at least to twice the amount of the benefit derived from the breach where that benefit can be determined, or at least EUR 1 000 000.	2. Member States shall ensure that in the cases referred to in paragraph 1, the maximum <u>administrative</u> pecuniary sanctions ~~that can be applied amount of~~ at least ~~to~~ twice the amount of the benefit derived from the breach where that benefit can be determined, or at least EUR 1 000 000 <u>or, in the Member States whose currency is not the euro, the corresponding value in the national currency, whichever is higher.</u>	2. Member States shall ensure that in the cases referred to in paragraph 1, the maximum pecuniary sanctions that can be applied amount at least to twice the amount of the benefit derived from the breach where that benefit can be determined, or at least EUR 1 000 000.	2. Member States shall ensure that in the cases referred to in paragraph 1, <u>first subparagraph</u>, the maximum pecuniary sanctions that can be ~~applied~~<u>imposed</u> amount at least to twice the amount of the benefit derived from the breach where that benefit can be determined, or at least EUR 1 000 000, <u>whichever is higher.</u> <u>For Member States whose currency is not the euro, the value referred to in the first subparagraph shall be the corresponding value in the national currency on [please insert date of entry into force of this Directive].</u> Text Origin: Council Mandate TM9 06092023 Horizontal ITM AMLD/AMLA 10.10.2023
Article 40(3)				
530	3. Member States shall ensure that,	3. Member States shall ensure that,	3. Member States shall ensure that,	3. Member States shall ensure that,

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	by way of derogation from paragraph 2, where the obliged entity concerned is a credit institution or financial institution, the following sanctions can also be applied:	by way of derogation from paragraph 2, where the obliged entity concerned is a credit institution or financial institution, the following sanctions can also be applied:	by way of derogation from paragraph 2, where the obliged entity concerned is a credit institution or financial institution, the following sanctions can also be applied:	by way of derogation from paragraph 2, where the obliged entity concerned is a credit institution or financial institution, the following sanctions can also be applied: Text Origin: Commission Proposal
Article 40(3), point (a)				
531	(a) in the case of a legal person, maximum administrative pecuniary sanctions of at least EUR 10 000 000 or 10 % of the total annual turnover according to the latest available accounts approved by the management body; where the obliged entity is a parent undertaking or a subsidiary of a parent undertaking which is required to prepare consolidated financial accounts in accordance with Article 22 of Directive 2013/34/EU of the European Parliament and of the Council ¹ , the relevant total annual turnover shall be the total annual turnover or the corresponding type of income in accordance with the relevant accounting regime according to the last available consolidated accounts approved by the management body of the ultimate parent undertaking; _____	(a) in the case of a legal person, maximum administrative pecuniary sanctions of at least EUR 10 000 000 or, <u>in the Member States whose currency is not the euro, the corresponding value in the national currency, or</u> 10 % of the total annual turnover according to the latest available accounts approved by the management body, <u>whichever is higher</u> ; where the obliged entity is a parent undertaking or a subsidiary of a parent undertaking which is required to prepare consolidated financial accounts in accordance with Article 22 of Directive 2013/34/EU of the European Parliament and of the Council ¹ , the relevant total annual turnover shall be the total annual turnover or the corresponding type of income in accordance with the relevant accounting regime according to the last available consolidated accounts	(a) in the case of a legal person, maximum administrative pecuniary sanctions of at least EUR 10 000 000 or ~~10~~ ¹⁵ % of the total <u>global</u> annual turnover according to the latest available accounts approved by the management body; <u>whichever is higher</u> , where the obliged entity is a parent undertaking or a subsidiary of a parent undertaking which is required to prepare consolidated financial accounts in accordance with Article 22 of Directive 2013/34/EU of the European Parliament and of the Council ¹ , the relevant total annual turnover shall be the total <u>global</u> annual turnover or the corresponding type of income in accordance with the relevant accounting regime according to the last available consolidated accounts approved by the management body of the ultimate parent undertaking; _____	(a) in the case of a legal person, maximum ~~administrative~~ pecuniary sanctions of at least EUR 10 000 000 or, <u>in the Member States whose currency is not the euro, the corresponding value in the national currency on [please insert date of entry into force of this Directive], or [10/15 %]</u> ~~10~~ ¹⁵ % of the total annual turnover according to the latest available accounts approved by the management body, <u>whichever is higher</u> ; where the obliged entity is a parent undertaking or a subsidiary of a parent undertaking which is required to prepare consolidated financial accounts in accordance with Article 22 of Directive 2013/34/EU of the European Parliament and of the Council ¹ , the relevant total annual turnover shall be the total annual turnover or the corresponding type of income in accordance with the relevant

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	approved by the management body of the ultimate parent undertaking; 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	accounting regime according to the last available consolidated accounts approved by the management body of the ultimate parent undertaking; 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19). Text Origin: EP Mandate TM9 of 06092023 Horizontal ITM AMLD/AMLA 10.10.2023
Article 40(3), point (b)				
532	(b) in the case of a natural person, maximum administrative pecuniary sanctions of at least EUR 5 000 000 or, in the Member States whose currency is not the euro, the corresponding value in the national currency on [please insert the date of entry into force of this Directive].	(b) in the case of a natural person, maximum administrative pecuniary sanctions of at least EUR 5 000 000 or, in the Member States whose currency is not the euro, the corresponding value in the national currency on <u>[please insert the date of entry into force of this Directive]</u> ~~[please insert the date of entry into force of this Directive]~~ .	(b) in the case of a natural person, maximum administrative pecuniary sanctions of at least EUR 5 000 000 or, in the Member States whose currency is not the euro, the corresponding value in the national currency on [please insert the date of entry into force of this Directive].	(b) in the case of a natural person, maximum ~~administrative~~ -pecuniary sanctions of at least EUR 5 000 000 or, in the Member States whose currency is not the euro, the corresponding value in the national currency on <u>[please insert the date of entry into force of this Directive]</u> ~~[please insert the date of entry into force of this Directive]~~ . Text Origin: Council Mandate TM9 of 06092023 Horizontal ITM AMLD/AMLA 10.10.2023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 40(4)				
533	4. Member States may empower competent authorities to impose administrative pecuniary sanctions exceeding the amounts referred to in paragraphs 2 and 3.	4. Member States may empower competent authorities to impose administrative pecuniary sanctions exceeding the amounts referred to in paragraphs 2 and 3.	4. Member States may empower competent authorities to impose administrative pecuniary sanctions exceeding the amounts referred to in paragraphs 2 and 3.	4. Member States may empower competent authorities to impose ~~administrative~~ pecuniary sanctions exceeding the amounts referred to in paragraphs 2 and 3. Text Origin: Commission Proposal Horizontal ITM AMLD/AMLA 10.10.2023
Article 40(4a)				
533a			<u>4a. Member States shall ensure that a legal person can be held liable for breaches as referred to in paragraph 1 where the breach has been committed for its benefit by any natural person, acting individually or as part of a body of that legal person that has a leading position within that legal person based on any of the following:</u> <u>(a) power to represent that legal person;</u> <u>(b) authority to take decisions on behalf of that legal person;</u> <u>(c) authority to exercise control within that legal person.</u>	<u>4a. -</u> covered in line 519 a-c TM9 of 06092023
Article 40(4b)				
533b			<u>4b. Member States shall ensure that a legal person can be held</u>	<u>4b. -</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>liable where the lack of supervision or control by natural persons referred to in paragraph 4a of this Article has made possible the commission by a person under their authority of the breaches referred to in Article 40(1) for the benefit of that legal person.</u>	covered in line 519 a-c TM9 of 06092023
Article 40(4c)				
533c				<u>4c. 5. Member States shall ensure that, when determining the amount of the pecuniary sanction, the ability of the entity to pay the sanction is taken into account and that, where the pecuniary sanction may affect compliance with prudential regulation, supervisors consult the authorities competent to supervise compliance by the obliged entities with relevant Union acts.</u> Horizontal ITM AMLD/AMLA 10.10.2023
Article 41				
534	Article 41 Administrative measures other than sanctions	Article 41 Administrative measures other than sanctions	Article 41 Administrative measures other than sanctions	Article 41 Administrative measures ~~other than sanctions~~ Text Origin: Commission Proposal Horizontal ITM AMLD/AMLA 10.10.2023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 41(1)			
535	1. When supervisors identify breaches of requirements of the Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] which are not deemed sufficiently serious to be punished with an administrative sanction, they may decide to impose administrative measures on the obliged entity. Member States shall ensure that the supervisors are able at least to:	1. <u>Supervisors should be empowered to impose administrative measures on obliged entities when they</u>~~When supervisors~~ identify breaches of ~~requirements of~~ the Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final or [please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final]~~please insert reference – proposal for Anti-Money Laundering Regulation – COM/2021/420 final]~~ which are not deemed sufficiently serious, <u>repeated or systematic</u> to be punished with an administrative sanction, <u>or in addition to administrative sanctions in the case of serious, repeated or systematic breaches</u> they may decide to impose administrative measures on the obliged entity. Member States shall ensure that the supervisors are able at least to:</u>	1. ~~When~~<u>Member States shall ensure that</u> supervisors <u>are able to impose administrative measures other than sanctions on an obliged entity where they</u> identify breaches of requirements of the Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] <u>either in combination with administrative sanctions or, in cases</u> which are not deemed sufficiently serious to be punished with an administrative sanction, ~~they may decide to impose administrative measures on the obliged entity alone.~~ Member States shall ensure that the supervisors are able at least to:	1. ~~When~~<u>Member States shall ensure that</u> supervisors <u>are able to impose administrative measures on an obliged entity where they</u> identify: <u>(a) breaches of requirements of the Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] or Regulation [please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final], either in combination with pecuniary sanctions for</u>~~please insert reference – proposal for Anti-Money Laundering Regulation – COM/2021/420 final]~~ <u>which are not deemed sufficiently serious, repeated and systematic breaches, or on their own;</u> <u>(b) weaknesses in the internal policies, procedures and controls of the obliged entity that are likely to result in breaches of the requirements referred to in point (a) and</u>~~to be punished with an administrative sanction, they may decide to impose~~ administrative measures ~~on the obliged entity.~~ <u>Member States shall ensure can</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				<u>prevent the occurrence of those breaches or reduce the risk thereof;</u> <u>(c) that the ~~supervisors are able at least to:~~ internal policies, procedures and controls in place in the obliged entity are not commensurate to the risks of money laundering, its predicate offences or terrorist financing to which the entity is exposed.</u> Text Origin: EP Mandate TM9 of 06092023 Horizontal ITM AMLD/AMLA 10.10.2023
Article 41(1a)				
535a				<u>1a. Member States shall ensure that the supervisors are able at least to:</u>
Article 41(1a), point (a)				
536	(a) issue recommendations;	(a) issue recommendations;	(a) issue recommendations;	(a) issue recommendations; Text Origin: Commission Proposal
Article 41(1a), point (b)				
537	(b) order obliged entities to comply, including to implement specific corrective measures;	(b) order obliged entities to comply, including to implement specific corrective measures;	(b) order obliged entities to comply, including to implement specific corrective measures, <u>within a</u>	(b) order obliged entities to comply, including to implement specific corrective measures;

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>concrete and reasonable timeline;</u>	Text Origin: Commission Proposal EP proposals covered in paragr. 3, line 547 TM10 of 18092023
Article 41(1a), point (c)				
538	(c) issue a public statement which identifies the natural or legal person and the nature of the breach;	(c) issue a public statement which identifies the natural or legal person and the nature of the breach;	(c) issue a public statement which identifies the natural or legal person and the nature of the breach;	(c) issue a public statement which identifies the natural or legal person and the nature of the breach; Text Origin: Commission Proposal
Article 41(1a), point (d)				
539	(d) issue an order requiring the natural or legal person to cease the conduct and to desist from repetition of that conduct;	(d) issue an order requiring the natural or legal person to cease the conduct and to desist from repetition of that conduct;	(d) issue an order requiring the natural or legal person to cease the conduct and to desist from repetition of that conduct;	(d) issue an order requiring the natural or legal person to cease the conduct and to desist from repetition of that conduct; Text Origin: Commission Proposal
Article 41(1a), point (da)				
539a		<u>(da) temporarily restrict or prohibit the exercise of certain operations or activities by the obliged entity, including, when relevant, the acceptance of premiums or deposits;</u>		<u>(da) restrict or limit the business, operations or network of institutions comprising the obliged entity, or to require the divestment of activities</u> Text Origin: Council Mandate TM10 of 18092023 Horizontal ITM AMLD/AMLA 10.10.2023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 41(1a), point (e)			
540	(e) where an obliged entity is subject to an authorisation, withdraw or suspend the authorisation;	(e) where an obliged entity is subject to an authorisation, withdraw or suspend the authorisation;	(e) where an obliged entity is subject to an authorisation, withdraw or suspend the authorisation <u>or propose the imposition of these or similar measures where the corresponding powers rest with another authority</u> ;	(e) where an obliged entity is subject to an authorisation, withdraw or suspend the authorisation; Agreement on content - EP changes covered already by line 508 whereby measures may be taken in cooperation with other competent authorities. Recital to be added Text Origin: Commission Proposal TM10 of 18092023 Horizontal ITM AMLD/AMLA 10.10.2023
	Article 41(1a), point (f)			
541	(f) impose a temporary ban against any person discharging managerial responsibilities in an obliged entity, or any other natural person, held responsible for the breach, from exercising managerial functions in obliged entities.	(f) impose a temporary ban against any person discharging managerial responsibilities in an obliged entity, or any other natural person, held responsible for the breach, from exercising managerial functions in obliged entities.	(f) impose a temporary ban against any person discharging managerial responsibilities in an obliged entity, or any other natural person, held responsible for the breach, from exercising managerial functions in obliged entities, <u>or propose the imposition of such measure or a removal of the person from a function within the obliged entity where the corresponding powers rest with another authority</u> .	(f) ~~impose a temporary ban against any person discharging managerial responsibilities in an obliged entity, or any other natural person, held responsible for the breach, from exercising managerial functions in obliged entities~~ <u>require changes in the governance structure</u>. Agreement on content - EP changes covered already by line 508 whereby measures may be taken in cooperation with other competent authorities. Recital to be added Text Origin: Commission

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Proposal TM10 of 18092023 Horizontal ITM AMLD/AMLA 10.10.2023
Article 41(2)				
542	2. When taking the administrative measures referred to in paragraph 1, supervisors shall be able to:	2. When taking the administrative measures referred to in paragraph 1, supervisors shall be able to:	2. When taking the administrative measures referred to in paragraph 1, supervisors shall be able to:	2. When taking the administrative measures referred to in paragraph 1, supervisors shall be able to: Text Origin: Commission Proposal
Article 41(2), point (a)				
543	(a) request an ad-hoc or regular submission of any document necessary for the performance of their tasks, including those to justify the process of implementation of the requested administrative measures;	(a) request an ad-hoc or regular submission of any document necessary for the performance of their tasks, including those to justify the process of implementation of the requested administrative measures;	(a) request an ad-hoc or regular submission of any document necessary for the performance of their tasks, including those to justify the process of implementation of the requested administrative measures <u>without undue delay</u> ;	(a) ~~request an ad-hoc or regular submission~~ <u>require the provision</u> of any ~~document~~ <u>data or information</u> necessary for the ~~performance~~ <u>fulfilment</u> of their tasks <u>pursuant to this Chapter without undue delay, to require submission of any document, or impose additional or more frequent reporting requirements, including those to justify the process of implementation of the requested administrative measures;</u> Text Origin: Commission Proposal TM19092023 Horizontal ITM AMLD/AMLA 10.10.2023
Article 41(2), point (b)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
544	(b) require the reinforcement of the arrangements, processes, mechanisms and strategies;	(b) require the reinforcement of the arrangements, processes, mechanisms and strategies;	(b) require the reinforcement of the arrangements, processes, mechanisms and strategies;	(b) require the reinforcement of the ~~arrangements, processes, mechanisms and strategies~~ <u>internal policies, procedures and controls</u> ; Text Origin: Commission Proposal Horizontal ITM AMLD/AMLA 10.10.2023
Article 41(2), point (c)				
545	(c) require the obliged entity to apply a specific policy or requirements relating to individual clients, transactions or activities that pose high risks;	(c) require the obliged entity to apply a specific policy or requirements relating to individual clients, transactions or activities that pose high risks;	(c) require the obliged entity to apply a specific policy or requirements relating to individual clients, transactions or activities that pose high risks;	(c) require the obliged entity to apply a specific policy or requirements relating to <u>categories of or</u> individual clients, transactions, <u>activities or delivery channels</u> ~~or activities~~ that pose high risks; Text Origin: Commission Proposal Horizontal ITM AMLD/AMLA 10.10.2023
Article 41(2), point (d)				
546	(d) require the implementation of measures to bring about the reduction of the money laundering or terrorist financing risks inherent in the activities and products of the obliged entity.	(d) require the implementation of measures to bring about the reduction of the money laundering or terrorist financing risks inherent in the activities and products of the obliged entity.	(d) require the implementation of measures to bring about the reduction of the money laundering or terrorist financing risks inherent in the activities and products of the obliged entity.	(d) require the implementation of measures to bring about the reduction of the money laundering or terrorist financing risks inherent in the activities and products of the obliged entity. Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 41(2), point (da)				
546a				<u>(da) impose a temporary ban against any person discharging managerial responsibilities in an obliged entity, or any other natural person, held responsible for the breach, from exercising managerial functions in obliged entities.</u> Horizontal ITM AMLD/AMLA 10.10.2023
Article 41(3)				
547	3. The administrative measures referred to in paragraph 1 shall be accompanied by a binding deadline for their effective implementation. Member States shall ensure that supervisors follow up and assess the effective implementation by the obliged entity of the actions requested.	3. The administrative measures referred to in paragraph 1 shall be accompanied by a binding deadline for their effective implementation. Member States shall ensure that supervisors follow up and assess the effective implementation by the obliged entity of the actions requested.	3. The administrative measures referred to in paragraph 1 shall be accompanied by a binding deadline for their effective implementation. Member States shall ensure that supervisors follow up and assess the effective implementation by the obliged entity of the actions requested.	3. The administrative measures referred to in paragraph 1 shall be accompanied, <u>where relevant, by</u> ~~by~~ <u>a binding deadline</u> ~~deadlines~~ for their ~~effective~~ implementation. Member States shall ensure that supervisors follow up and assess the ~~effective~~ implementation by the obliged entity of the actions requested. Text Origin: Commission Proposal Horizontal ITM AMLD/AMLA 10.10.2023
Article 41(3a)				
547a		<u>3a. When taking the administrative measures referred to in paragraph 1, points (b) and (d), supervisors may provide for a periodic penalty</u>		<u>3a. - (deleted)</u> Covered in new Article 41a

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>payment to be imposed on the obliged entity should it fail to comply with that administrative measure.</u> <u>The periodic penalty payment shall be effective and proportionate. The periodic penalty payment shall be imposed on a daily basis until the selected obliged entity or person concerned complies with the relevant decision referred to in paragraph 1, points (b) and (d).</u> <u>The amount of a periodic penalty payment shall not exceed 3 % of the average daily turnover in the preceding business year or, in the case of natural persons, 2 % of the average daily income in the preceding calendar year. It shall be calculated from the date set in the decision imposing the periodic penalty payment.</u>		AMLA related Text Origin: Council Mandate Horizontal ITM AMLD/AMLA 10.10.2023
Article 41(3b)				
547b		<u>By way of derogation from first subparagraph, Member States may apply periodic penalty payments on a weekly or monthly basis. In this case, the maximum amount of periodic penalty payments to be applied for the relevant weekly or monthly period when a breach takes place shall not exceed the maximum amount of periodic penalty payments that would apply</u>		<u>- (deleted)</u> Covered in new Article 41a AMLA related Text Origin: Council Mandate Horizontal ITM AMLD/AMLA 10.10.2023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>on a daily basis in accordance with Article 41, paragraph 3bis for the relevant period. Periodic penalty payments may be imposed on a given date and start applying at a later date.</u>		
Article 41(4)				
548	4. Member States may empower supervisors to impose additional types of administrative measures to those referred to in paragraph 1.	4. Member States may empower supervisors to impose additional types of administrative measures to those referred to in paragraph 1.	4. Member States may empower supervisors to impose additional types of administrative measures to those referred to in paragraph 1.	4. Member States may empower supervisors to impose additional types of administrative measures to those referred to in paragraph 1. Text Origin: Commission Proposal
Article 41a				
548a				<u>Article 41a</u> <u>Periodic penalty payments</u> Horizontal ITM AMLD/AMLA 10.10.2023
Article 41a(1)				
548b				<u>1. Member States shall ensure that, where obliged entities fail to comply with administrative measures applied by the supervisor pursuant to points (b), (d), (da) and (f) of Article 41(1) within the deadlines set, supervisors are able to impose periodic penalty payments in order</u>

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				<u>to compel compliance with those administrative measures.</u> Horizontal ITM AMLD/AMLA 10.10.2023
Article 41a(2)				
548c				<u>2. The periodic penalty payments shall be effective and proportionate. The periodic penalty payments shall be imposed until the obliged entity or person concerned complies with the relevant administrative measures.</u> Horizontal ITM AMLD/AMLA 10.10.2023
Article 41a(3)				
548d				<u>3. Notwithstanding paragraph 2, the amount of a periodic penalty payment shall not exceed 3 % of the average daily turnover in the preceding business year or, in the case of natural persons, 2 % of the average daily income in the preceding calendar year.</u> Horizontal ITM AMLD/AMLA 10.10.2023
Article 41a(4)				
548e				<u>4. Periodic penalty payments may</u>

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 414/591

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				<u>be imposed for a period of no more than six months following the supervisor's decision. Where, upon expiry of that period, the obliged entity has not yet complied with the administrative measure, Member States shall ensure that supervisors can apply periodic penalty payments for an additional period of no more than six months.</u> Horizontal ITM AMLD/AMLA 10.10.2023
Article 41a(5)				
548f				<u>5. Member States shall ensure that a decision imposing a periodic penalty payment may be taken at a later stage with retroactive effect up to the date of the application of the administrative measure.</u> Align corresponding recital EC to revert Horizontal ITM AMLD/AMLA 10.10.2023
Article 42				
549	Article 42 Publication of administrative sanctions and measures	Article 42 Publication of administrative sanctions and measures	Article 42 Publication of administrative sanctions and measures	Article 42 Publication of administrative sanctions and measures

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 42(1), first subparagraph				
550	1. Member States shall ensure that a decision imposing an administrative sanction or measure for breach of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] against which there is no appeal shall be published by the supervisors on their official website immediately after the person sanctioned is informed of that decision. The publication shall include at least information on the type and nature of the breach and the identity of the persons responsible. Member States shall not be obliged to apply this subparagraph to decisions imposing measures that are of an investigatory nature.	1. Member States shall ensure that a decision imposing an administrative sanction ~~or measure for breach of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation – COM/2021/420 final] against which there is no appeal~~ pursuant to Article 40 shall be published by the supervisors on their official website <u>in an accessible format</u>, immediately after the person sanctioned is informed of that decision. ~~The publication shall include at least information on the type and nature of the breach and the identity of the persons responsible. Member States shall not be obliged to apply this subparagraph to decisions imposing measures that are of an investigatory nature.~~	1. Member States shall ensure that a decision imposing an administrative sanction or measure for breach of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] ~~against which there is no appeal~~ shall be published by the supervisors on their official website <u>in an accessible format, in the official language of the Member State in question and in English</u>, immediately after the person sanctioned is informed of that decision <u>and it is no longer subject to internal review</u>. The publication shall include at least information on the type and nature of the breach and the identity of the persons responsible <u>and whether the decision is subject to appeal</u>. Member States shall not be obliged to apply this subparagraph to decisions imposing measures that are of an investigatory nature.	reference to language customary in the sphere of international finance to be checked further AMLA related CONS to revert EC to revert EP to revert
Article 42(1a)				
550a		<u>Member States shall ensure that a decision imposing an administrative</u>		AMLA related CONS to revert EC to

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>measure pursuant to Article 41 against which there is no appeal may be published by the supervisors on their official website, at the latest, immediately after the expiry of the period for bringing an action against that decision.</u>		revert EP to revert
Article 42(1b)				
550b		<u>Where an obliged entity appeals the decision referred to in the first subparagraph, Member States shall ensure that supervisors publish on their official website the information regarding the appeal and any subsequent information on the outcome of such appeal, immediately after obtaining such information.</u>		AML related EC to revert EP to revert CONS to revert
Article 42(1c)				
550c		<u>The publication shall include at least information on the type and nature of the breach and the identity of the persons responsible and the size of the administrative pecuniary sanction or periodic penalty payment, where applicable. Member States shall not be obliged to apply this subparagraph to decisions imposing measures that are of an investigatory nature.</u>		AML related EC to revert CONS to revert EP to revert

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 42(1), second subparagraph				
551	Where the publication of the identity of the persons responsible as referred to in the first subparagraph or the personal data of such persons is considered by the supervisors to be disproportionate following a case-by-case assessment, or where publication jeopardises the stability of financial markets or an on-going investigation, supervisors shall:	Where the publication of the identity of the persons responsible as referred to in the first subparagraph or the personal data of such persons is considered by the supervisors to be disproportionate following a case-by-case assessment, or where publication jeopardises the stability of financial markets or an on-going investigation, supervisors shall:	Where the publication of the identity of the persons responsible as referred to in the first subparagraph or the personal data of such persons is considered by the supervisors to be disproportionate following a case-by-case assessment, or where publication jeopardises the stability of financial markets or an on-going investigation, supervisors shall:	Where the publication of the identity of the persons responsible as referred to in the first subparagraph or the personal data of such persons is considered by the supervisors to be disproportionate following a case-by-case assessment, or where publication jeopardises the stability of financial markets or an on-going investigation, supervisors shall: Text Origin: Commission Proposal
Article 42(1), second subparagraph, point (a)				
552	(a) delay the publication of the decision to impose an administrative sanction or measure until the moment at which the reasons for not publishing it cease to exist;	(a) delay the publication of the decision to impose an administrative sanction or measure until the moment at which the reasons for not publishing it cease to exist;	(a) delay the publication of the decision to impose an administrative sanction or measure until the moment at which the reasons for not publishing it cease to exist;	(a) delay the publication of the decision to impose an administrative sanction or measure until the moment at which the reasons for not publishing it cease to exist; Text Origin: Commission Proposal
Article 42(1), second subparagraph, point (b)				
553	(b) publish the decision to impose an administrative sanction or measure on an anonymous basis in a manner in accordance with national law, if such anonymous publication ensures an effective protection of the personal data concerned; in that	(b) publish the decision to impose an administrative sanction or measure on an anonymous basis in a manner in accordance with national law, if such anonymous publication ensures an effective protection of the personal data concerned; in that	(b) publish the decision to impose an administrative sanction or measure on an anonymous basis in a manner in accordance with national law, if such anonymous publication ensures an effective protection of the personal data concerned; in that	(b) publish the decision to impose an administrative sanction or measure on an anonymous basis in a manner in accordance with national law, if such anonymous publication ensures an effective protection of the personal data concerned; in that

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	case, the publication of the relevant data may be postponed for a reasonable period of time if it is provided that within that period the reasons for anonymous publication shall cease to exist;	case, the publication of the relevant data may be postponed for a reasonable period of time if it is provided that within that period the reasons for anonymous publication shall cease to exist;	case, the publication of the relevant data may be postponed for a reasonable period of time if it is provided that within that period the reasons for anonymous publication shall cease to exist;	case, the publication of the relevant data may be postponed for a reasonable period of time if it is provided that within that period the reasons for anonymous publication shall cease to exist; Text Origin: Commission Proposal
Article 42(1), second subparagraph, point (c)				
554	(c) not publish the decision to impose an administrative sanction or measure at all in the event that the options set out in points (a) and (b) are considered insufficient to ensure one of the following:	(c) not publish the decision to impose an administrative sanction or measure at all in the event that the options set out in points (a) and (b) are considered insufficient to ensure one of the following:	(c) not publish the decision to impose an administrative sanction or measure at all in the event that the options set out in points (a) and (b) are considered insufficient to ensure one of the following:	(c) not publish the decision to impose an administrative sanction or measure at all in the event that the options set out in points (a) and (b) are considered insufficient to ensure one of the following: Text Origin: Commission Proposal
Article 42(1), second subparagraph, point (c)(i)				
555	(i) that the stability of financial markets would not be put in jeopardy;	(i) that the stability of financial markets would not be put in jeopardy;	(i) that the stability of financial markets would not be put in jeopardy;	(i) that the stability of financial markets would not be put in jeopardy; Text Origin: Commission Proposal
Article 42(1), second subparagraph, point (c)(ii)				
556	(ii) the proportionality of the publication of the decision with regard to measures which are	(ii) the proportionality of the publication of the decision with regard to measures which are	(ii) the proportionality of the publication of the decision with regard to <u>the damage to the obliged</u>	(ii) the proportionality of the publication of the decision with regard to <u>the damage to the obliged</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	deemed to be of a minor nature.	deemed to be of a minor nature.	<u>entity or to</u> measures which are deemed to be of a minor nature.	<u>entity or to</u> measures which are deemed to be of a minor nature. wording to be aligned with AMLA provisions AMLA related Text Origin: EP Mandate
Article 42(2)				
557	2. Where Member States permit publication of decisions against which there is an appeal, supervisors shall also publish, immediately, on their official website such information and any subsequent information on the outcome of such appeal. Moreover, any decision annulling a previous decision to impose an administrative sanction or a measure shall also be published.	2. Where Member States ~~permit publication of~~ <u>publish</u> decisions against which there is an appeal, supervisors shall also publish, immediately, on their official website such information and any subsequent information on the outcome of such appeal. Moreover, any decision annulling a previous decision to impose an administrative sanction or a measure shall also be published.	2. Where Member States permit publication of decisions against which there is an appeal, supervisors shall also publish, immediately, on their official website such information and any subsequent information on the outcome of such appeal. Moreover, any decision annulling a previous decision to impose an administrative sanction or a measure shall also be published.	AMLA related
Article 42(3)				
558	3. Supervisors shall ensure that any publication in accordance with this Article shall remain on their official website for a period of five years after its publication. However, personal data contained in the publication shall only be kept on the official website of the competent	3. Supervisors shall ensure that any publication in accordance with this Article shall remain on their official website for a period of five years after its publication. However, personal data contained in the publication shall only be kept on the official website of the competent	3. Supervisors <u>or other competent authorities</u> shall ensure that any publication in accordance with this Article shall remain on their official website for a period of five years after its publication. However, personal data contained in the publication shall only be kept on the	3. ~~Supervisors~~ <u>Member States</u> shall ensure that any publication in accordance with this Article shall remain on ~~their~~ <u>the</u> official website <u>of the supervisors [or the website of the competent authorities - reference to article 39]</u> for a period of five years after its publication.

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	authority for the period which is necessary in accordance with the applicable data protection rules and in any case for no more than 5 years.	authority for the period which is necessary in accordance with the applicable data protection rules and in any case for no more than 5 years.	official website of the competent authority for the period which is necessary in accordance with the applicable data protection rules and in any case for no more than 5 years.	However, personal data contained in the publication shall only be kept on the official website of the competent authority for the period which is necessary in accordance with the applicable data protection rules and in any case for no more than 5 years. AMLA related EC to revert Text Origin: Commission Proposal TM10 of 18092023

Article 42(3a)

558a			<u>3a. Member States shall ensure that supervisors draw up a report on an annual basis containing relevant statistical information on the sanctions issued and measures taken. That report shall contain a summary of the breaches sanctioned and the amounts of fines. The report shall be made public.</u>	<u>3a. -</u> merged and covered by line 434a TM10 of 18092023

Article 42(4)

559	4. Member States shall ensure that legal persons can be held liable for the breaches referred to in Article 40(1) committed for their benefit by any person, acting individually or as part of an organ of that legal person, and having a leading position within	~~4. Member States shall ensure that legal persons can be held liable for the breaches referred to in Article 40(1) committed for their benefit by any person, acting individually or as part of an organ of that legal person, and having a leading position within~~	~~4. Member States shall ensure that legal persons can be held liable for the breaches referred to in Article 40(1) committed for their benefit by any person, acting individually or as part of an organ of that legal person, and having a leading position within~~	~~4. Member States shall ensure that legal persons can be held liable for the breaches referred to in Article 40(1) committed for their benefit by any person, acting individually or as part of an organ of that legal person, and having a leading position within~~

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	the legal person based on any of the following:	~~the legal person based on any of the following:~~ <u>Deleted</u>	~~the legal person based on any of the following:~~	~~the legal person based on any of the following:~~ <u>Deleted</u> Text Origin: Council Mandate TM10 of 18092023
Article 42(4), point (a)				
560	(a) power to represent the legal person;	(a) ~~power to represent the legal person;~~ <u>Deleted</u>	~~(a) power to represent the legal person;~~	~~(a) power to represent the legal person;~~ <u>Deleted</u> Text Origin: Council Mandate TM10 of 18092023
Article 42(4), point (b)				
561	(b) authority to take decisions on behalf of the legal person;	(b) ~~authority to take decisions on behalf of the legal person;~~ <u>Deleted</u>	~~(b) authority to take decisions on behalf of the legal person;~~	~~(b) authority to take decisions on behalf of the legal person;~~ <u>Deleted</u> Text Origin: Council Mandate TM10 of 18092023
Article 42(4), point (c)				
562	(c) authority to exercise control within the legal person.	(c) ~~authority to exercise control within the legal person.~~ <u>Deleted</u>	~~(c) authority to exercise control within the legal person.~~	~~(c) authority to exercise control within the legal person.~~ <u>Deleted</u> Text Origin: Council Mandate TM10 of 18092023
Article 42(5)				
563	5. Member States shall ensure that legal persons can be held liable where the lack of supervision or	5. ~~Member States shall ensure that legal persons can be held liable where the lack of supervision or~~	~~5. Member States shall ensure that legal persons can be held liable where the lack of supervision or~~	~~5. Member States shall ensure that legal persons can be held liable where the lack of supervision or~~

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	control by the persons referred to in paragraph 4 of this Article has made possible the commission, by a person under their authority, of the breaches referred to in Article 40(1) for the benefit of that legal person.	~~control by the persons referred to in paragraph 4 of this Article has made possible the commission, by a person under their authority, of the breaches referred to in Article 40(1) for the benefit of that legal person.~~ <u>Deleted</u>	~~control by the persons referred to in paragraph 4 of this Article has made possible the commission, by a person under their authority, of the breaches referred to in Article 40(1) for the benefit of that legal person.~~	~~control by the persons referred to in paragraph 4 of this Article has made possible the commission, by a person under their authority, of the breaches referred to in Article 40(1) for the benefit of that legal person.~~ <u>Deleted</u> Text Origin: Council Mandate TM10 of 18092023
Article 43				
564	Article 43 Whistle-blower protection	Article 43 Whistle-blower protection	Article 43 Whistle-blower protection	Article 43 Whistle-blower protection Text Origin: Commission Proposal
Article 43(1), first subparagraph				
565	1. Member States shall ensure that supervisory authorities, as well as, where applicable, self-regulatory bodies, establish 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].	1. Member States shall ensure that supervisory authorities, as well as, where applicable, self-regulatory bodies, establish effective and reliable mechanisms to encourage the reporting of potential and actual breaches of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], Regulation [please insert reference – proposal for Regulation on information accompanying transfers of funds and certain crypto-assets COM/2021/422 final], and any</u>	1. Member States shall ensure that supervisory authorities, <u>FIUs</u> , as well as, where applicable, self-regulatory bodies, establish effective and reliable mechanisms to encourage the reporting of potential and actual breaches of <u>the national provisions transposing this Directive and of</u> Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final].	1. <u>[</u> Member States shall ensure that supervisory authorities, as well as, where applicable, self-regulatory bodies, establish 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]. <u>When performing the tasks entrusted on it in Article 5(2) of Regulation, AMLA shall also establish such mechanism.]</u>

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		<u>other legal provisions adopted for the implementation of these Regulations and any administrative act issued by any supervisor under these legal provisions</u> ~~please insert reference—proposal for Anti-Money Laundering Regulation—COM/2021/420 final~~ .		AMLA related EP to revert
Article 43(1), second subparagraph				
566	For that purpose, they shall provide one or more 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 supervisory authority, or, where applicable, self-regulatory body.	For that purpose, they shall provide one or more 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 supervisory authority, or, where applicable, self-regulatory body.	For that purpose, they shall provide one or more secure communication channels for the reporting referred to in the first subparagraph. Such channels shall ensure that the identity of persons providing information is <u>encrypted and</u> known only to the supervisory authority, or, where applicable, self-regulatory body. <u>Where reporting relates to potential or actual breaches by employees or the management body of the supervisory authorities or, where applicable, self-regulatory body, the identity of the persons providing information should only be known by the specific body responsible for receiving reports.</u>	<u>For that purpose, ~~they~~ supervisory authorities, including AMLA, as well as, where applicable, self-regulatory bodies</u> shall provide one or more 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 supervisory authority, or, where applicable, self-regulatory body. <u>]</u> AMLA related EP to revert
Article 43(2)				
567	2. The mechanisms referred to in paragraph 1 shall include at least:	2. The mechanisms referred to in paragraph 1 shall include at least:	2. The mechanisms referred to in paragraph 1 shall include at least:	2. The mechanisms referred to in paragraph 1 shall include at least:

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 43(2), point (a)				
568	(a) specific procedures for the receipt of reports on breaches and their follow-up;	(a) specific procedures for the receipt of reports on breaches and their follow-up, <u>as well as for documentation thereof</u> ;	(a) specific procedures for the receipt of reports on breaches <u>by both anonymous and non-anonymous individuals</u> and their follow-up;	
Article 43(2), point (b)				
569	(b) appropriate protection for employees or persons in a comparable position, of obliged entities who report breaches committed within the obliged entity;	(b) appropriate protection for <u>current and former</u> employees or persons in a comparable position, of obliged entities who report breaches committed within the obliged entity;	(b) appropriate protection <u>as well as access to legal and financial advice</u> for employees, <u>board members, shareholders, contractors, subcontractors, suppliers, trainees and former workers</u> or persons in a comparable position, of obliged entities who report breaches committed within the obliged entity, <u>and for any individual who has independent knowledge or who after independent evaluation of publicly-available information provides information to the competent authorities</u> ;	
Article 43(2), point (c)				
570	(c) appropriate protection for the accused person;	(c) appropriate protection for the accused person;	(c) appropriate protection for the accused person;	(c) appropriate protection for the accused person; Text Origin: Commission

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Proposal
Article 43(2), point (d)				
571	(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;	(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;	(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;	(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; Text Origin: Commission Proposal
Article 43(2), point (e)				
572	(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.	(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.	(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, <u>supervisor or, where applicable, self-regulatory body</u> , unless disclosure is required by national law in the context of further investigations or subsequent judicial proceedings.	
Article 43(3), first subparagraph				
573	3. Member States shall ensure that individuals, including employees and representatives of the obliged entity who report potential or actual breaches of Regulation [please insert	3. Member States shall ensure that individuals, including employees and representatives of the obliged entity who report potential or actual breaches of Regulation <u>[please</u>	3. Member States shall ensure that individuals, including employees and representatives of the obliged entity <u>or competent authorities or of supervisory authorities or self-</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] internally or to the FIU, are legally protected from being exposed to threats, retaliatory or hostile action, and in particular from adverse or discriminatory employment actions.	<u>insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ internally or to the FIU, are legally protected from being exposed to threats, retaliatory or hostile action, and in particular from adverse or discriminatory employment actions.	<u>regulatory bodies</u> who report potential or actual breaches of <u>the national provisions transposing this Directive or</u> Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], <u>as provided for in paragraph 1 of this Article internally or to the FIU</u> , are legally protected <u>in accordance with Directive EU 2019/1937</u> from being exposed to threats, retaliatory or hostile action, and in particular from adverse or discriminatory employment actions.	
Article 43(3), second subparagraph				
574	Member States shall ensure that individuals who are exposed to threats, hostile actions, or adverse or discriminatory employment actions for reporting potential or actual breaches of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] internally or to the FIU 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 shall also ensure that such individuals have the right to effective remedy to safeguard their	Member States shall ensure that individuals who are exposed to threats, hostile actions, or adverse or discriminatory employment actions for reporting potential or actual breaches of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ internally or to the FIU 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	Member States shall ensure that individuals who are exposed to threats, hostile actions, or adverse or discriminatory employment actions for reporting potential or actual breaches of <u>the national provisions transposing this Directive or</u> Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] internally or to the ~~FIU~~ <u>mechanisms referred to in paragraph 1</u> 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	

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	rights under this paragraph.	shall also ensure that such individuals have the right to effective remedy to safeguard their rights under this paragraph.	shall also ensure that such individuals have the right to effective remedy to safeguard their rights under this paragraph.	
Article 44				
575	Article 44 Exchange of information on sanctions	Article 44 Exchange of information on sanctions	Article 44 Exchange of information on sanctions	Article 44 Exchange of information on sanctions Text Origin: Commission Proposal
Article 44(1)				
576	1. Member States shall ensure that their supervisors and, where relevant, the national authority overseeing self-regulatory bodies in their performance of supervisory functions inform AMLA of all administrative sanctions and measures imposed in accordance with this Section, including of any appeal in relation thereto and the outcome thereof. Such information shall also be shared with other supervisors when the administrative sanction or measure concerns an entity operating in two or more Member States.	1. Member States shall ensure that their supervisors and, where relevant, the national authority overseeing self-regulatory bodies in their performance of supervisory functions inform AMLA of all administrative sanctions and measures imposed in accordance with this Section, including of any appeal in relation thereto and the outcome thereof. Such information shall also be shared with other supervisors when the administrative sanction or measure concerns an entity operating in two or more Member States.	1. Member States shall ensure that their supervisors and, where relevant, the national authority overseeing self-regulatory bodies in their performance of supervisory functions inform AMLA, <u>and, where relevant, the FIUs of the Member States concerned</u> , of all administrative sanctions and measures imposed in accordance with this Section, including of any appeal in relation thereto and the outcome thereof. Such information shall also be shared with other supervisors when the administrative sanction or measure concerns an entity operating in two or more Member States.	1. Member States shall ensure that their supervisors and, where relevant, the national authority overseeing self-regulatory bodies in their performance of supervisory functions inform AMLA of all administrative sanctions and measures imposed in accordance with this Section, including of any appeal in relation thereto and the outcome thereof. Such information shall also be shared with other supervisors when the administrative sanction or measure concerns an entity operating in two or more Member States. EC to propose separate paragraph on information with FIU.

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				EC to revert Text Origin: Commission Proposal TM10 of 18/09/2023
Article 44(2)				
577	2. AMLA shall maintain on its website links to each supervisor's publication of administrative sanctions and measures imposed in accordance with Article 42, and shall show the time period for which each Member State publishes administrative sanctions and measures.	2. AMLA shall maintain on its website links to each supervisor's publication of administrative sanctions and measures imposed in accordance with Article 42, and shall show the time period for which each Member State publishes administrative sanctions and measures.	2. AMLA shall maintain <u>a database</u> on its website <u>with information on the sanctions applied per obliged entity and</u> links to each supervisor's publication of administrative sanctions and measures imposed in accordance with Article 42, and shall show the time period for which each Member State publishes administrative sanctions and measures.	EC to revert
CHAPTER V				
578	CHAPTER V COOPERATION	CHAPTER V COOPERATION	CHAPTER V COOPERATION	CHAPTER V COOPERATION Text Origin: Commission Proposal
Section 1				
579	Section 1 AML/CFT cooperation	Section 1 AML/CFT cooperation	Section 1 AML/CFT cooperation	Section 1 AML/CFT cooperation Text Origin: Commission Proposal

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Article 45				
580	Article 45 General provisions	Article 45 General provisions	Article 45 General provisions	Article 45 General provisions Text Origin: Commission Proposal
Article 45(1)				
581	1. Member States shall ensure that policy makers, the FIUs, supervisors, including AMLA, and other competent authorities, as well as tax authorities have effective mechanisms to enable them to cooperate and coordinate domestically concerning the development and implementation of policies and activities to combat money laundering and terrorist financing and to prevent the non-implementation and evasion of proliferation financing-related targeted financial sanctions, including with a view to fulfilling their obligations under Article 8.	1. Member States shall ensure that policy makers, the FIUs, supervisors, including AMLA, and other competent authorities, as well as tax authorities have effective mechanisms to enable them to cooperate and coordinate domestically concerning the development and implementation of policies and activities to combat money laundering and terrorist financing and to prevent the non-implementation and evasion of proliferation financing-related targeted financial sanctions, including with a view to fulfilling their obligations under Article 8.	1. Member States shall ensure that policy makers, the FIUs, supervisors, ~~including AMLA,~~ and other competent authorities, as well as <u>law enforcement authorities and</u> tax authorities have effective mechanisms to enable them to cooperate and coordinate domestically <u>and at Union level</u> concerning the development and implementation of policies and activities to combat money laundering and terrorist financing and to prevent the non-implementation and evasion of ~~proliferation financing-related~~ targeted financial sanctions, including with a view to fulfilling their obligations under Article 8.	
Article 45(1a)				
581a			<u>1a. Member States shall ensure that policy makers, the FIUs, supervisors and other competent</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>authorities have effective mechanisms to enable them to cooperate with AMLA, Europol, Eurojust and EPPO under the applicable Union law concerning the development and implementation of policies and activities to combat money laundering and terrorist financing and to prevent the non-implementation and evasion of targeted financial sanctions.</u>	
Article 45(1b)				
581b			<u>1b. With regard to targeted financial sanctions, Member States shall ensure that FIUs, supervisors, competent authorities in charge of the registers pursuant to Chapter II, competent authorities in charge of targeted financial sanctions, authorities in charge of tracing and seizing or freezing and confiscating assets and other competent authorities have effective mechanisms in place to exchange information with regard to compliance, supervision and enforcement of targeted financial sanctions, including for the purpose of collecting, processing and disclosing relevant data relating to persons subject to targeted financial sanctions.</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 45(2)				
582	2. With regard to beneficial ownership information obtained by competent authorities pursuant to Chapter IV of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and Section I of Chapter II of this Directive, Member States shall ensure that competent authorities are able to provide such information to the competent authorities of other Member States or third countries in a timely manner and free of charge.	2. With regard to beneficial ownership information obtained by competent authorities pursuant to Chapter IV of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ and Section I of Chapter II of this Directive, Member States shall ensure that competent authorities are able to provide such information to the <u>counterpart</u> competent authorities of other Member States or third countries in a timely manner and free of charge.	2. With regard to beneficial ownership information obtained by competent authorities pursuant to Chapter IV of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and Section I of Chapter II of this Directive, Member States shall ensure that competent authorities are able to provide such information to the competent authorities of other Member States or third countries in a timely manner and free of charge.	
Article 45(3)				
583	3. Member States shall not prohibit or place unreasonable or unduly restrictive conditions on the exchange of information or assistance between competent authorities for the purposes of this Directive. Member States shall ensure that competent authorities do not refuse a request for assistance on the grounds that:	3. Member States shall not prohibit or place unreasonable or unduly restrictive conditions on the exchange of information or assistance between competent authorities <u>and their counterparts</u> for the purposes of this Directive. Member States shall ensure that competent authorities do not refuse a request for assistance on the grounds that:	3. Member States shall not prohibit or place unreasonable or unduly restrictive conditions on the exchange of information or assistance between competent authorities, <u>supervisors and non-AML/CFT authorities</u> for the purposes of this Directive. Member States shall ensure that competent <u>authorities supervisors and non-AML/CFT</u> authorities do not refuse a request for assistance on the grounds that:	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 45(3), point (a)				
584	(a) the request is also considered to involve tax matters;	(a) the request is also considered to involve tax matters;	(a) the request is also considered to involve tax matters;	(a) the request is also considered to involve tax matters; Text Origin: Commission Proposal
Article 45(3), point (b)				
585	(b) national law requires obliged entities to maintain secrecy or confidentiality, except in those cases where the relevant information that is sought is protected by legal privilege or where legal professional secrecy applies, as provided for in Article 51(2) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final];	(b) national law requires obliged entities to maintain secrecy or confidentiality, except in those cases where the relevant information that is sought is protected by legal privilege or where legal professional secrecy applies, as provided for in Article 51(2) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final];	(b) national law requires obliged entities to maintain secrecy or confidentiality, except in those cases where the relevant information that is sought is protected by legal privilege or where legal professional secrecy applies, as provided for in Article 51(2) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final];	(b) national law requires obliged entities to maintain secrecy or confidentiality, except in those cases where the relevant information that is sought is protected by legal privilege or where legal professional secrecy applies, as provided for in Article 51(2) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]; Text Origin: Commission Proposal
Article 45(3), point (c)				
586	(c) there is an inquiry, investigation or proceeding underway in the requested Member State, unless the assistance would impede that inquiry, investigation or proceeding;	(c) there is an inquiry, investigation or proceeding underway in the requested Member State, unless the assistance would impede that inquiry, investigation or proceeding;	(c) there is an <u>analysis</u> , inquiry, investigation or proceeding underway in the requested Member State, unless the assistance would impede that <u>analysis</u> , inquiry, investigation or proceeding;	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 45(3), point (d)				
587	(d) the nature or status of the requesting counterpart competent authority is different from that of requested competent authority.	(d) the nature or status of the requesting counterpart competent authority is different from that of requested competent authority.	(d) the nature or status of the requesting counterpart competent authority, <u>supervisor or non-AML/CFT authority</u> is different from that of requested competent <u>authority, supervisor or non-AML/CFT</u> authority.	
Article 45(3a)				
587a			<u>3a. Member States shall ensure that their supervisors have prompt access to any information required to fulfil their tasks. Supervisors and competent authorities, including FIUs, shall have a duty to cooperate with each other</u>	
Article 46				
588	Article 46 Communication of the list of the competent authorities	Article 46 Communication of the list of the competent authorities	Article 46 Communication of the list of ~~the~~ competent authorities <u>and registers</u>	
Article 46(1)				
589	1. In order to facilitate and promote effective cooperation, and in particular the exchange of information, Member States shall communicate to the Commission and AMLA:	1. In order to facilitate and promote effective cooperation, and in particular the exchange of information, Member States shall communicate to the Commission and AMLA:	1. In order to facilitate and promote effective cooperation, and in particular the exchange of information, Member States shall communicate to the Commission and AMLA:	1. In order to facilitate and promote effective cooperation, and in particular the exchange of information, Member States shall communicate to the Commission and AMLA:

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 46(1), point (a)				
590	(a) the list of supervisors responsible for overseeing the compliance of the obliged entities with the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], as well as, where relevant, name of the public authority overseeing self-regulatory bodies in their performance of supervisory functions under this Directive, and their contact details;	(a) the list of supervisors responsible for overseeing the compliance of the obliged entities with the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], as well as, where relevant, name of the public authority overseeing self-regulatory bodies in their performance of supervisory functions under this Directive, and their contact details;	(a) the list of supervisors responsible for overseeing the compliance of the obliged entities with the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], as well as, where relevant, name of the public authority overseeing self-regulatory bodies in their performance of supervisory functions under this Directive, and their contact details;	(a) the list of supervisors responsible for overseeing the compliance of the obliged entities with the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], as well as, where relevant, name of the public authority overseeing self-regulatory bodies in their performance of supervisory functions under this Directive, and their contact details; Text Origin: Commission Proposal
Article 46(1), point (b)				
591	(b) the contact details of their FIU;	(b) the contact details of their FIU;	(b) the contact details of their FIU;	(b) the contact details of their FIU; Text Origin: Commission Proposal
Article 46(1), point (ba)				
591a			<u>(ba) the contact details of the entity in charge of the central registers referred to in Article 10;</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 46(1), point (bb)				
591b			<u>(bb) the contact details necessary to obtain information on real estate data, certain goods and bank accounts;</u>	
Article 46(1), point (c)				
592	(c) the list of other competent national authorities.	(c) the list of other competent national authorities.	(c) the list of other competent national authorities.	(c) the list of other competent national authorities. Text Origin: Commission Proposal
Article 46(2)				
593	2. For the purposes of paragraph 1, the following contact details shall be provided:	2. For the purposes of paragraph 1, the following contact details shall be provided:	2. For the purposes of paragraph 1, the following contact details shall be provided:	2. For the purposes of paragraph 1, the following contact details shall be provided: Text Origin: Commission Proposal
Article 46(2), point (a)				
594	(a) the name and role of the contact person;	(a) the name and role of the contact person <u>or information on designated contact point;</u>	(a) the name and role of the contact person;	
Article 46(2), point (b)				
595	(b) the professional email address and phone number of the contact	(b) the professional email address and phone ~~number~~ <u>numbers</u> of the	(b) the professional email address and phone number of the contact	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	person.	contact person <u>or contact point</u> .	person.	
Article 46(3)				
596	3. Member States shall ensure that the information provided to the Commission and AMLA pursuant to paragraph 1 is updated as soon as a change takes place.	3. Member States shall ensure that the information provided to the Commission and AMLA pursuant to paragraph 1 is updated as soon as a change takes place.	3. Member States shall ensure that the information provided to the Commission and AMLA pursuant to paragraph 1 is updated as soon as a change takes place.	3. Member States shall ensure that the information provided to the Commission and AMLA pursuant to paragraph 1 is updated as soon as a change takes place. Text Origin: Commission Proposal
Article 46(4)				
597	4. AMLA shall publish a register of the authorities referred to in paragraph 1 on its website and facilitate the exchange of information referred to in paragraph 2 between competent authorities. The authorities in the register shall, within the scope of their powers, serve as a contact point for the counterpart competent authorities. FIUs and supervisory authorities shall also serve as a contact point for AMLA.	4. AMLA shall publish a register of the authorities referred to in paragraph 1 on its website and facilitate the exchange of information referred to in paragraph 2 between competent authorities. The authorities in the register shall, within the scope of their powers, serve as a contact point for the counterpart competent authorities. FIUs and supervisory authorities shall also serve as a contact point for AMLA.	4. AMLA shall publish a register of the authorities referred to in paragraph 1 on its website and facilitate the exchange of information referred to in paragraph 2 between competent authorities. The authorities in the register shall, within the scope of their powers, serve as a contact point for the counterpart competent authorities. FIUs and supervisory authorities shall also serve as a contact point for AMLA.	4. AMLA shall publish a register of the authorities referred to in paragraph 1 on its website and facilitate the exchange of information referred to in paragraph 2 between competent authorities. The authorities in the register shall, within the scope of their powers, serve as a contact point for the counterpart competent authorities. FIUs and supervisory authorities shall also serve as a contact point for AMLA. Text Origin: Commission Proposal
Article 47				
598	Article 47	Article 47	Article 47	Article 47

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Cooperation with AMLA	Cooperation with AMLA	Cooperation with AMLA	Cooperation with AMLA Text Origin: Commission Proposal
Article 47, first paragraph				
599	FIU and supervisory authorities shall cooperate with AMLA and shall provide it with all the information necessary to allow it to carry out its duties under this Directive, under Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and under Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].	FIU and supervisory authorities shall cooperate with AMLA and shall provide it with all the information necessary to allow it to carry out its duties under this Directive, under Regulation [please insert reference – <u>proposal for Anti-Money Laundering Regulation - COM/2021/420 final</u>] ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ and under Regulation [please insert reference – <u>proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final</u>]. <u>Appropriate safeguards shall be applied for confidentiality and security purposes</u> ~~[please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]~~ .	~~FIU and supervisory FIUs,~~ <u>supervisory authorities, competent authorities and non-AML/CFT</u> authorities shall cooperate with AMLA and shall provide it with all the information necessary to allow it to carry out its duties under this Directive, under Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and under Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final].	
Section 2				
600	Section 2 Cooperation with other authorities and exchange of confidential information	Section 2 Cooperation with other authorities and exchange of confidential information	Section 2 Cooperation with other authorities and exchange of confidential information	Section 2 Cooperation with other authorities and exchange of confidential information

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 48				
601	Article 48 Cooperation in relation to credit institutions	Article 48 Cooperation in relation to credit institutions	Article 48 Cooperation in relation to credit <u>or financial</u> institutions	
Article 48(1)				
602	1. Member States shall ensure that financial supervisors, FIUs and authorities competent for the supervision of credit institutions under other legal acts cooperate closely with each other within their respective competences and provide each other with information relevant for the performance of their respective tasks. Such cooperation and information exchange shall not impinge on an ongoing inquiry, investigation or proceedings in accordance with the criminal or administrative law of the Member State where the financial supervisor or authority entrusted with competences for the supervision of credit institutions under other legal acts is located and shall not affect obligations of professional secrecy as provided in Article 50(1).	1. Member States shall ensure that financial supervisors, FIUs and authorities competent for the supervision of credit institutions under other legal acts cooperate closely with each other within their respective competences and provide each other with information relevant for the performance of their respective tasks. Such cooperation and information exchange shall not impinge on an ongoing inquiry, <u>FIU's analysis</u> , investigation or proceedings in accordance with the criminal or administrative law of the Member State where the financial supervisor or authority entrusted with competences for the supervision of credit institutions under other legal acts is located and shall not affect obligations of professional secrecy as provided in Article 50(1).	1. Member States shall ensure that financial supervisors, <u>non-AML/CFT authorities</u> , FIUs and authorities competent for the supervision of credit <u>or financial</u> institutions under other legal acts cooperate closely with each other within their respective competences and provide each other with information relevant for the performance of their respective tasks. Such cooperation and information exchange shall not impinge on an ongoing inquiry, investigation or proceedings in accordance with the criminal or administrative law of the Member State where ~~the financial supervisor~~ <u>supervisors, non-AML/CFT authorities, FIUs</u> or authority entrusted with competences for the supervision of credit <u>or financial</u> institutions under other legal acts is located and shall	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			not affect obligations of professional secrecy as provided in Article 50(1).	
Article 48(2), first subparagraph				
603	2. Member States shall ensure that, where financial supervisors identify weaknesses in the AML/CFT internal control system and application of the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] of a credit institution which materially increase the risks to which the institution is or might be exposed, the financial supervisor immediately notifies the European Banking Authority (EBA) and the authority or body that supervises the credit institution in accordance with Directive (EU) 2013/36, including the ECB acting in accordance with Council Regulation (EU) 1024/2013¹. 1. Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63).	2. Member States shall ensure that, where financial supervisors identify weaknesses in the AML/CFT internal control system and application of the requirements of Regulation [please insert reference – ~~proposal for Anti-Money Laundering Regulation - COM/2021/420 final~~] ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ of a credit institution which materially increase the risks to which the institution is or might be exposed, the financial supervisor immediately notifies the European Banking Authority (EBA) and the authority or body that supervises the credit institution in accordance with Directive (EU) 2013/36, including the ECB acting in accordance with Council Regulation (EU) 1024/2013¹. 1. Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63).	2. Member States shall ensure that, where financial supervisors, <u>non-AML/CFT authorities or FIUs</u> identify weaknesses in the AML/CFT internal control system and application of the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] of a credit <u>or financial</u> institution which materially increase the risks to which the institution is or might be exposed, the financial supervisor, <u>non-AML/CFT authority or FIU</u> immediately notifies the European Banking Authority (EBA) and the authority or body that supervises the credit institution <u>affected</u> in accordance with ~~Directive (EU) 2013/36~~ <u>applicable Union law</u>, including the ECB acting in accordance with Council Regulation (EU) 1024/2013⁵⁰. ⁵⁰ <u>Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>(OJ L 287, 29.10.2013, p. 63).</u> ~~1. Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63).~~	
Article 48(2), second subparagraph				
604	In the event of potential increased risk, financial supervisors shall be able to liaise with the authorities supervising the institution in accordance with Directive (EU) 2013/36 and draw up a common assessment to be notified to EBA. AMLA shall be kept informed of any such notifications.	In the event of potential increased risk, financial supervisors shall be able to liaise with the authorities supervising the institution in accordance with Directive (EU) 2013/36 and draw up a common assessment to be notified to EBA. AMLA shall be kept informed of any such notifications.	In the event of potential increased risk, ~~financial~~ <u>the respective</u> supervisors shall ~~be able to liaise~~ <u>cooperate and share information</u> with the authorities supervising the institution in accordance with ~~Directive (EU) 2013/36~~ <u>applicable Union law</u> and draw up a common assessment to be notified to EBA <u>by the supervisor who first sent the notification</u> . AMLA shall be kept informed of any such notifications.	
Article 48(3)				
605	3. Member States shall ensure that, where financial supervisors find that a credit institution has refused to enter into a business relationship but the documented customer due diligence pursuant to Article 17(2) does not justify such refusal, they shall inform the authority responsible for ensuring compliance	3. Member States shall ensure that, where financial supervisors find that a credit institution has refused to enter into a business relationship but the documented customer due diligence pursuant to Article 17(2) does not justify such refusal, they shall inform the authority responsible for ensuring compliance	3. Member States shall ensure that, where financial supervisors find that a credit institution has refused to enter into <u>or continue in</u> a business relationship but the documented customer due diligence pursuant to Article 17(2) does not justify such refusal, they shall inform the authority responsible for ensuring	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	by that institution with Directive (EU) 2014/92 or Directive (EU) 2015/2366.	by that institution with Directive (EU) 2014/92 or Directive (EU) 2015/2366.	compliance by that institution with Directive (EU) 2014/92 or Directive (EU) 2015/2366.	
Article 48(4)				
606	4. Member States shall ensure that financial supervisors cooperate with resolution authorities as defined in Article 3(18) of Directive 2014/59/EU or designated authorities as defined in Article 2(1)(18) of Directive 2014/49/EU. Financial supervisors shall inform such authorities of the outcome of the customer due diligence measures applied pursuant to Chapter III of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and of any account that has been suspended by the FIU pursuant to Article 20.	4. Member States shall ensure that financial supervisors cooperate with resolution authorities as defined in Article ~~3(18)~~ <u>2(1), point (18)</u> , of Directive 2014/59/EU or designated authorities as defined in Article 2(1). <u>point (18), (18)</u> of Directive 2014/49/EU. ~~Financial supervisors shall inform such authorities of the outcome of the customer due diligence measures applied pursuant to Chapter III of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and of any account that has been suspended by the FIU pursuant to Article 20.~~	4. Member States shall ensure that financial supervisors cooperate with resolution authorities as defined in Article 3(18) of Directive 2014/59/EU or designated authorities as defined in Article 2(1)(18) of Directive 2014/49/EU. Financial supervisors shall inform such authorities of the outcome of the customer due diligence measures applied pursuant to Chapter III of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] and of any account that has been suspended by the FIU pursuant to Article 20.	
Article 48(5)				
607	5. Financial supervisors and FIUs shall report on a yearly basis to AMLA on their cooperation with other authorities pursuant to this Article.	5. Financial supervisors ~~and FIUs~~ shall report on a yearly basis to AMLA on their cooperation with other authorities pursuant to this Article.	5. Financial supervisors and FIUs shall report on a yearly basis to AMLA on their cooperation with other authorities pursuant to this Article.	
Article 48(6)				
608				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	6. By [2 years after the date of transposition of this Directive], AMLA shall, in consultation with EBA, issue guidelines on cooperation between financial supervisors and the authorities referred to in paragraphs 2, 3 and 4, including on the level of involvement of FIUs in such cooperation.	6. By <u>[2 years after the date of transposition of this Directive]</u> ~~[2 years after the date of transposition of this Directive]~~ , AMLA shall, in consultation with EBA, issue guidelines on cooperation between financial supervisors and the authorities referred to in paragraphs 2, 3 and 4, including on the level of involvement of FIUs in such cooperation.	6. By [2 years after the date of transposition of this Directive], AMLA shall, in consultation with EBA <u>and supervisors</u> , issue guidelines on cooperation between financial supervisors and the authorities referred to in paragraphs 2, 3 and 4, including on the level of involvement of FIUs in such cooperation.	

Article 49

609	Article 49 Cooperation in relation to auditors	Article 49 Cooperation in relation to auditors	Article 49 Cooperation in relation to auditors	Article 49 Cooperation in relation to auditors Text Origin: Commission Proposal

Article 49(1), first subparagraph

610	1. Member States shall ensure that supervisors in charge of auditors and, where relevant, public authorities overseeing self-regulatory bodies pursuant to Chapter IV of this Directive, their FIU and the public authorities competent for overseeing statutory auditors and audit firms pursuant to Article 32 of Directive 2006/43/EC of the European Parliament and of the Council ¹ and Article 20 of Regulation (EU) 537/2014 of the	1. Member States shall ensure that supervisors in charge of auditors and, where relevant, public authorities overseeing self-regulatory bodies pursuant to Chapter IV of this Directive, their FIU and the public authorities competent for overseeing statutory auditors and audit firms pursuant to Article 32 of Directive 2006/43/EC of the European Parliament and of the Council ¹ and Article 20 of Regulation (EU) 537/2014 of the	1. Member States shall ensure that supervisors in charge of auditors and, where relevant, public authorities overseeing self-regulatory bodies pursuant to Chapter IV of this Directive, their FIU and the public authorities competent for overseeing statutory auditors and audit firms pursuant to Article 32 of Directive 2006/43/EC of the European Parliament and of the Council ¹ and Article 20 of Regulation (EU) 537/2014 of the	1. Member States shall ensure that supervisors in charge of auditors and, where relevant, public authorities overseeing self-regulatory bodies pursuant to Chapter IV of this Directive, their FIU and the public authorities competent for overseeing statutory auditors and audit firms pursuant to Article 32 of Directive 2006/43/EC of the European Parliament and of the Council ¹ and Article 20 of Regulation (EU) 537/2014 of the

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	European Parliament and of the Council² cooperate closely with each other within their respective competences and provide each other with information relevant for the performance of their respective tasks. 1. Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC (OJ L 157, 9.6.2006, p. 87–107). 2. Regulation (EU) No 537/2014 of the European Parliament and of the Council of 16 April 2014 on specific requirements regarding statutory audit of public-interest entities and repealing Commission Decision 2005/909/EC (OJ L 158, 27.5.2014, p. 77).	European Parliament and of the Council² cooperate closely with each other within their respective competences and provide each other with information relevant for the performance of their respective tasks. 1. Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC (OJ L 157, 9.6.2006, p. 87–107). 2. Regulation (EU) No 537/2014 of the European Parliament and of the Council of 16 April 2014 on specific requirements regarding statutory audit of public-interest entities and repealing Commission Decision 2005/909/EC (OJ L 158, 27.5.2014, p. 77).	European Parliament and of the Council² cooperate closely with each other within their respective competences and provide each other with information relevant for the performance of their respective tasks. 1. Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC (OJ L 157, 9.6.2006, p. 87–107). 2. Regulation (EU) No 537/2014 of the European Parliament and of the Council of 16 April 2014 on specific requirements regarding statutory audit of public-interest entities and repealing Commission Decision 2005/909/EC (OJ L 158, 27.5.2014, p. 77).	European Parliament and of the Council² cooperate closely with each other within their respective competences and provide each other with information relevant for the performance of their respective tasks. 1. Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC (OJ L 157, 9.6.2006, p. 87–107). 2. Regulation (EU) No 537/2014 of the European Parliament and of the Council of 16 April 2014 on specific requirements regarding statutory audit of public-interest entities and repealing Commission Decision 2005/909/EC (OJ L 158, 27.5.2014, p. 77). Text Origin: Commission Proposal
	Article 49(1), second subparagraph			
611	Confidential information exchanged pursuant to this Article shall be used by the authorities referred to in the first subparagraph solely for the exercise of their functions within the scope of this Directive or the other Union acts referred to in the first subparagraph and in the context of administrative or judicial proceedings specifically related to the exercise of those functions.	Confidential information exchanged pursuant to this Article shall be used by the authorities referred to in the first subparagraph solely for the exercise of their functions within the scope of this Directive or the other Union acts referred to in the first subparagraph and in the context of administrative or judicial proceedings specifically related to the exercise of those functions.	Confidential information exchanged pursuant to this Article shall be used by the authorities referred to in the first subparagraph solely for the exercise of their functions within the scope of this Directive or the other Union acts referred to in the first subparagraph and in the context of administrative or judicial proceedings specifically related to the exercise of those functions.	Confidential information exchanged pursuant to this Article shall be used by the authorities referred to in the first subparagraph solely for the exercise of their functions within the scope of this Directive or the other Union acts referred to in the first subparagraph and in the context of administrative or judicial proceedings specifically related to the exercise of those functions.

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 49(2)				
612	2. Member States may prohibit the authorities referred to in paragraph 1 from cooperating when such cooperation, including the exchange of information, would impinge on an ongoing inquiry, investigation or proceedings in accordance with the criminal or administrative law of the Member State where the authorities are located.	2. Member States may prohibit the authorities referred to in paragraph 1 from cooperating when such cooperation, including the exchange of information, would impinge on an ongoing inquiry, <u>FIU's analysis</u> , investigation or proceedings in accordance with the criminal or administrative law of the Member State where the authorities are located.	2. Member States may prohibit the authorities referred to in paragraph 1 from cooperating when such cooperation, including the exchange of information, would impinge on an ongoing inquiry, <u>analysis</u> , investigation or proceedings <u>or would prejudice the prohibition of disclosure under article 54 of Regulation ... [please insert reference to Anti-Money Laundering Regulation -2021/0239 (COD)]</u> in accordance with the criminal or administrative law of the Member State where the authorities are located.	
Article 50				
613	Article 50 Exchange of information in relation to credit and financial institutions among entities bound by professional secrecy	Article 50 Exchange of information in relation to credit and financial institutions among entities bound by professional secrecy	Article 50 Exchange of information in relation to credit and financial institutions among entities bound by professional secrecy	Article 50 Exchange of information in relation to credit and financial institutions among entities bound by professional secrecy Include lefovers from Article 37: deal with situations of information exchange in the context of mixed groups

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				EC to revert Text Origin: Commission Proposal
Article 50(1), first subparagraph				
614	1. Member States shall require that all persons working for or who have worked for financial supervisors and auditors or experts acting on behalf of financial supervisors be bound by the obligation of professional secrecy.	1. Member States shall require that all persons working for or who have worked for financial supervisors and auditors or experts acting on behalf of financial supervisors be bound by the obligation of professional secrecy.	1. Member States shall require that all persons working for or who have worked for financial supervisors, <u>FIUs</u> and auditors or experts acting on behalf of financial supervisors <u>or FIUs</u> be bound by the obligation of professional secrecy.	
Article 50(1), second subparagraph				
615	Without prejudice to cases covered by criminal investigations and prosecutions under Member States and Union law and information provided to the FIU pursuant to Article 32, confidential information which the persons referred to in the first subparagraph receive in the course of their duties under this Directive may be disclosed only in summary or aggregate form, in such a way that individual credit and financial institutions cannot be identified.	Without prejudice to cases covered by criminal investigations and prosecutions under Member States and Union law and information provided to the FIU pursuant to Article 32, confidential information which the persons referred to in the first subparagraph receive in the course of their duties under this Directive may be disclosed only in summary or aggregate form, in such a way that individual credit and financial institutions cannot be identified.	Without prejudice to cases covered by criminal investigations and prosecutions under Member States and Union law and information provided to the FIU pursuant to Article 32, confidential information which the persons referred to in the first subparagraph receive in the course of their duties under this Directive may be disclosed only in summary or aggregate form, in such a way that individual credit and financial institutions cannot be identified.	Without prejudice to cases covered by criminal investigations and prosecutions under Member States and Union law and information provided to the FIU pursuant to Article 32, confidential information which the persons referred to in the first subparagraph receive in the course of their duties under this Directive may be disclosed only in summary or aggregate form, in such a way that individual credit and financial institutions cannot be identified. Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 50(2), first subparagraph				
616	2. Paragraph 1 shall not prevent the exchange of information between:	2. Paragraph 1 shall not prevent the exchange of information between:	2. Paragraph 1 shall not prevent the exchange of information between:	2. Paragraph 1 shall not prevent the exchange of information between: Text Origin: Commission Proposal
Article 50(2), first subparagraph, point (a)				
617	(a) financial supervisors, whether within a Member State or in different Member States, including AMLA when acting in accordance with Article 5(2) of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final];	(a) financial supervisors, whether within a Member State or in different Member States, including AMLA when acting in accordance with Article 5(2) of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final];	(a) financial supervisors, whether within a Member State or in different Member States, including AMLA when acting in accordance with Article 5(2) of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final];	(a) financial supervisors, whether within a Member State or in different Member States, including AMLA when acting in accordance with Article 5(2) of Regulation [please insert reference – proposal for establishment of an Anti-Money Laundering Authority - COM/2021/421 final]; Text Origin: Commission Proposal
Article 50(2), first subparagraph, point (b)				
618	(b) financial supervisors and FIUs;	(b) financial supervisors and FIUs;	(b) financial supervisors, <u>competent authorities</u> and FIUs;	
Article 50(2), first subparagraph, point (c)				
619	(c) financial supervisors and competent authorities in charge of credit and financial institutions in accordance with other legislative acts relating to the supervision of	(c) financial supervisors and competent authorities in charge of credit and financial institutions in accordance with other legislative acts relating to the supervision of	(c) financial supervisors and ~~competent~~ <u>supervising</u> authorities in charge of credit and financial institutions in accordance with other legislative acts relating to the	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	credit and financial institutions, including the ECB acting in accordance with Regulation (EU) 1024/2013, whether within a Member State or in different Member States.	credit and financial institutions, including the ECB acting in accordance with Regulation (EU) 1024/2013, whether within a Member State or in different Member States.	supervision of credit and financial institutions, including the ECB acting in accordance with Regulation (EU) 1024/2013, whether within a Member State or in different Member States.	
Article 50(2), first subparagraph, point (ca)				
619a			<u>(ca) financial supervisors, the national central banks that are members of the European System of Central Banks (ESCB), and the ECB.</u>	
Article 50(2), second subparagraph				
620	For the purposes of the first subparagraph, point (c), the exchange of information shall be subject to the professional secrecy requirements provided for in paragraph 1.	For the purposes of the first subparagraph, point (c), the exchange of information shall be subject to the professional secrecy requirements provided for in paragraph 1.	For the purposes of the ~~first subparagraph, point (c)~~ <u>this paragraph</u> , the exchange of information shall be subject to the professional secrecy requirements provided for in paragraph 1 <u>or equivalent requirements provided under Union law.</u>	
Article 50(3)				
621	3. Any authority that receives confidential information pursuant to paragraph 2 shall only use this information:	3. Any authority that receives confidential information pursuant to paragraph 2 shall only use this information:	3. Any authority that receives confidential information pursuant to paragraph 2 shall only use this information:	3. Any authority that receives confidential information pursuant to paragraph 2 shall only use this information: Text Origin: Commission

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Proposal
Article 50(3), point (a)				
622	(a) in the discharge of its duties under this Directive or under other legislative acts in the field of AML/CFT, of prudential regulation and supervision of credit and financial institutions, including sanctioning;	(a) in the discharge of its duties under this Directive or under other legislative acts in the field of AML/CFT, of prudential regulation and supervision of credit and financial institutions, including sanctioning;	(a) in the discharge of its duties under this Directive or under other legislative acts in the field of AML/CFT, of prudential regulation and supervision of credit and financial institutions, including sanctioning;	(a) in the discharge of its duties under this Directive or under other legislative acts in the field of AML/CFT, of prudential regulation and supervision of credit and financial institutions, including sanctioning; Text Origin: Commission Proposal
Article 50(3), point (b)				
623	(b) in an appeal against a decision of the authority, including court proceedings;	(b) in an appeal against a decision of the authority, including court proceedings;	(b) in an appeal against a decision of the authority, including court proceedings;	(b) in an appeal against a decision of the authority, including court proceedings; Text Origin: Commission Proposal
Article 50(3), point (c)				
624	(c) in court proceedings initiated pursuant to special provisions provided for in Union law adopted in the field of this Directive or in the field of prudential regulation and supervision of credit and financial institutions.	(c) in court proceedings initiated pursuant to special provisions provided for in Union law adopted in the field of this Directive or in the field of prudential regulation and supervision of credit and financial institutions.	(c) in court proceedings initiated pursuant to special provisions provided for in Union law adopted in the field of this Directive or in the field of prudential regulation and supervision of credit and financial institutions.	(c) in court proceedings initiated pursuant to special provisions provided for in Union law adopted in the field of this Directive or in the field of prudential regulation and supervision of credit and financial institutions. Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 51				
625	Article 51 Exchange of information among supervisors and with other authorities	Article 51 Exchange of information among supervisors and with other authorities	Article 51 Exchange of information among supervisors and with other authorities	Article 51 Exchange of information among supervisors and with other authorities Text Origin: Commission Proposal
Article 51(1), first subparagraph				
626	1. With the exception of cases covered by Article 51(2) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], Member States shall authorise the exchange of information between:	1. With the exception of cases covered by Article 51(2) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ , Member States shall authorise the exchange of information between:	1. With the exception of cases covered by Article 51(2) of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final], Member States shall authorise the exchange of information between:	
Article 51(1), first subparagraph, point (a)				
627	(a) supervisors and the public authorities overseeing self-regulatory bodies pursuant to Chapter IV of this Directive, whether in the same Member State or in different Member States;	(a) supervisors and the public authorities overseeing self-regulatory bodies pursuant to Chapter IV of this Directive, whether in the same Member State or in different Member States;	(a) supervisors and the public authorities overseeing self-regulatory bodies pursuant to Chapter IV of this Directive, whether in the same Member State or in different Member States;	(a) supervisors and the public authorities overseeing self-regulatory bodies pursuant to Chapter IV of this Directive, whether in the same Member State or in different Member States; Text Origin: Commission

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Proposal
Article 51(1), first subparagraph, point (b)				
628	(b) supervisors and the authorities responsible by law for the supervision of financial markets in the discharge of their respective supervisory functions;	(b) supervisors and the authorities responsible by law for the supervision of financial markets in the discharge of their respective supervisory functions;	(b) supervisors and the authorities responsible by law for the supervision of financial markets <u>or credit or financial institutions</u> in the discharge of their respective supervisory functions;	
Article 51(1), first subparagraph, point (c)				
629	(c) supervisors in charge of auditors and, where relevant, public authorities overseeing self-regulatory bodies pursuant to Chapter IV of this Directive, and the public authorities competent for overseeing statutory auditors and audit firms pursuant to Article 32 of Directive 2006/43/EC and Article 20 of Regulation (EU) 537/2014, including authorities in different Member States.	(c) supervisors in charge of auditors and, where relevant, public authorities overseeing self-regulatory bodies pursuant to Chapter IV of this Directive, and the public authorities competent for overseeing statutory auditors and audit firms pursuant to Article 32 of Directive 2006/43/EC and Article 20 of Regulation (EU) 537/2014, including authorities in different Member States.	(c) supervisors in charge of auditors and, where relevant, public authorities overseeing self-regulatory bodies pursuant to Chapter IV of this Directive, and the public authorities competent for overseeing statutory auditors and audit firms pursuant to Article 32 of Directive 2006/43/EC and Article 20 of Regulation (EU) 537/2014, including authorities in different Member States.	(c) supervisors in charge of auditors and, where relevant, public authorities overseeing self-regulatory bodies pursuant to Chapter IV of this Directive, and the public authorities competent for overseeing statutory auditors and audit firms pursuant to Article 32 of Directive 2006/43/EC and Article 20 of Regulation (EU) 537/2014, including authorities in different Member States. Text Origin: Commission Proposal
Article 51(1), first subparagraph, point (ca)				
629a			<u>(ca) supervisors and, where relevant, the EPPO with regard to any criminal conduct in respect of which EPPO could exercise its</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>competence in accordance with Article 22 or Article 25(2) or (3) of Regulation (EU) 2017/1939</u>	
Article 51(1), first subparagraph, point (cb)				
629b			<u>(cb) supervisors and, where relevant, the European Anti-Fraud Office (OLAF) with regard to possible cases of fraud, corruption or any other illegal activity affecting the financial interests of the Union pursuant to Article 8 of Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council^{1a};</u> <u>^{1a} 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 1074/1999 (OJ L 248, 18.9.2013, p. 1).</u>	
Article 51(1), second subparagraph				
630	The professional secrecy requirements laid down in Article 50(1) and (3) shall not prevent such	The professional secrecy requirements laid down in Article 50(1) and (3) shall not prevent such	The professional secrecy requirements laid down in Article 50(1) and (3) shall not prevent such	The professional secrecy requirements laid down in Article 50(1) and (3) shall not prevent such

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	exchange of information.	exchange of information.	exchange of information.	exchange of information. Text Origin: Commission Proposal
Article 51(1), third subparagraph				
631	Confidential information exchanged pursuant to this paragraph shall only be used in the discharge of the duties of the authorities concerned, and in the context of administrative or judicial proceedings specifically related to the exercise of those functions. The information received shall in any event be subject to professional secrecy requirements at least equivalent to those referred to in Article 50(1).	Confidential information exchanged pursuant to this paragraph shall only be used in the discharge of the duties of the authorities concerned, and in the context of administrative or judicial proceedings specifically related to the exercise of those functions. The information received shall in any event be subject to professional secrecy requirements at least equivalent to those referred to in Article 50(1).	Confidential information exchanged pursuant to this paragraph shall only be used in the discharge of the duties of the authorities concerned, and in the context of administrative or judicial proceedings specifically related to the exercise of those functions. The information received shall in any event be subject to professional secrecy requirements at least equivalent to those referred to in Article 50(1).	Confidential information exchanged pursuant to this paragraph shall only be used in the discharge of the duties of the authorities concerned, and in the context of administrative or judicial proceedings specifically related to the exercise of those functions. The information received shall in any event be subject to professional secrecy requirements at least equivalent to those referred to in Article 50(1). Text Origin: Commission Proposal
Article 51(2), first subparagraph				
632	2. Member States may authorise the disclosure of certain information to other national authorities responsible by law for the supervision of the financial markets, or with designated responsibilities in the field of combating or investigating money laundering, its predicate offences or terrorist financing. The professional secrecy requirements laid down Article 50(1) and (3) shall not	2. Member States may authorise the disclosure of certain information to other national authorities responsible by law for the supervision of the financial markets, or with designated responsibilities in the field of combating or investigating money laundering, its predicate offences or terrorist financing. The professional secrecy requirements laid down Article 50(1) and (3) shall not	2. Member States may authorise the disclosure of certain information to other national authorities responsible by law for the supervision of the financial markets, or with designated responsibilities in the field of combating or investigating money laundering, its predicate offences or terrorist financing. The professional secrecy requirements laid down Article 50(1) and (3) shall not	2. Member States may authorise the disclosure of certain information to other national authorities responsible by law for the supervision of the financial markets, or with designated responsibilities in the field of combating or investigating money laundering, its predicate offences or terrorist financing. The professional secrecy requirements laid down Article 50(1) and (3) shall not

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	prevent such disclosure.	prevent such disclosure.	prevent such disclosure.	prevent such disclosure. Text Origin: Commission Proposal
Article 51(2), second subparagraph				
633	However, confidential information exchanged pursuant to this paragraph shall only be used for the purpose of performing the legal tasks of the authorities concerned. Persons having access to such information shall be subject to professional secrecy requirements at least equivalent to those referred to in Article 50(1).	However, confidential information exchanged pursuant to this paragraph shall only be used for the purpose of performing the legal tasks of the authorities concerned. Persons having access to such information shall be subject to professional secrecy requirements at least equivalent to those referred to in Article 50(1).	However, confidential information exchanged pursuant to this paragraph shall only be used for the purpose of performing the legal tasks of the authorities concerned. Persons having access to such information shall be subject to professional secrecy requirements at least equivalent to those referred to in Article 50(1).	However, confidential information exchanged pursuant to this paragraph shall only be used for the purpose of performing the legal tasks of the authorities concerned. Persons having access to such information shall be subject to professional secrecy requirements at least equivalent to those referred to in Article 50(1). Text Origin: Commission Proposal
Article 51(3)				
634	3. Member States may authorise the disclosure of certain information relating to the supervision of obliged entities for compliance with the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] to parliamentary inquiry committees, courts of auditors and other entities in charge of enquiries in their Member State, under the following conditions:	3. Member States may authorise the disclosure of certain information relating to the supervision of obliged entities for compliance with the requirements of Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final]~~ to parliamentary inquiry committees, courts of auditors and other entities	3. Member States may authorise the disclosure of certain information relating to the supervision of obliged entities for compliance with the requirements of Regulation [please insert reference – proposal for Anti-Money Laundering Regulation - COM/2021/420 final] to parliamentary inquiry committees, <u>including those set up by the European Parliament</u> , courts of auditors and other entities in charge of enquiries in their Member State,	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		in charge of enquiries in their Member State, under the following conditions:	under the following conditions:	
Article 51(3), point (a)				
635	(a) the entities have a precise mandate under national law to investigate or scrutinise the actions of supervisors or authorities responsible for laws on such supervision;	(a) the entities have a precise mandate under national law to investigate or scrutinise the actions of supervisors or authorities responsible for laws on such supervision;	(a) the entities have a precise mandate under national law to investigate or scrutinise the actions of supervisors or authorities responsible for laws on such supervision;	(a) the entities have a precise mandate under national law to investigate or scrutinise the actions of supervisors or authorities responsible for laws on such supervision; Text Origin: Commission Proposal
Article 51(3), point (b)				
636	(b) the information is strictly necessary for fulfilling the mandate referred to in point (a);	(b) the information is strictly necessary for fulfilling the mandate referred to in point (a);	(b) the information is strictly necessary for fulfilling the mandate referred to in point (a);	(b) the information is strictly necessary for fulfilling the mandate referred to in point (a); Text Origin: Commission Proposal
Article 51(3), point (c)				
637	(c) the persons with access to the information are subject to professional secrecy requirements under national law at least equivalent to those referred to in paragraph 1;	(c) the persons with access to the information are subject to professional secrecy requirements under national law at least equivalent to those referred to in paragraph 1;	(c) the persons with access to the information are subject to professional secrecy requirements under national law at least equivalent to those referred to in paragraph 1;	(c) the persons with access to the information are subject to professional secrecy requirements under national law at least equivalent to those referred to in paragraph 1; Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 51(3), point (d)			
638	(d) where the information originates in another Member State, it shall not be disclosed without the express consent of the supervisor which disclosed it and solely for the purposes for which that supervisor gave its consent.	(d) where the information originates in another Member State, it shall not be disclosed without the express consent of the supervisor which disclosed it and solely for the purposes for which that supervisor gave its consent.	(d) where the information originates in another Member State, it shall not be disclosed without the express consent of the supervisor which disclosed it and solely for the purposes for which that supervisor gave its consent.	(d) where the information originates in another Member State, it shall not be disclosed without the express consent of the supervisor which disclosed it and solely for the purposes for which that supervisor gave its consent. Text Origin: Commission Proposal
	Section 3			
639	Section 3 Guidelines on cooperation	Section 3 Guidelines on cooperation	Section 3 Guidelines on cooperation	Section 3 Guidelines on cooperation Text Origin: Commission Proposal
	Article 52			
640	Article 52 AML/CFT cooperation guidelines	Article 52 AML/CFT cooperation guidelines	Article 52 AML/CFT cooperation guidelines	Article 52 AML/CFT cooperation guidelines Text Origin: Commission Proposal
	Article 52, first paragraph			
641	By [2 years after the date of transposition of this Directive], AMLA shall, in cooperation with the ECB, the European Supervisory	By <u>[2 years after the date of transposition of this Directive]</u> ~~[2 years after the date of transposition of this Directive]~~ , AMLA shall, in	By [2 years after the date of transposition of this Directive], AMLA shall, in cooperation with the ECB, the European Supervisory	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Authorities, Europol, Eurojust, and the European Public Prosecutor's Office, issue guidelines on:	cooperation with the ECB, the European Supervisory Authorities, Europol, Eurojust, and the European Public Prosecutor's Office, issue guidelines on:	Authorities, Europol, Eurojust, and the European Public Prosecutor's Office, issue guidelines on:	
Article 52, first paragraph, point (a)				
642	(a) the cooperation between competent authorities under Section 1 of this Chapter, as well as with the authorities referred to under Section 2 of this Chapter and the authorities in charge of the registers referred to in Section 1 of Chapter II of this Directive, to prevent money laundering and terrorist financing;	(a) the cooperation between competent authorities under Section 1 of this Chapter, as well as with the authorities referred to under Section 2 of this Chapter and the authorities in charge of the registers referred to in Section 1 of Chapter II of this Directive, to prevent money laundering and terrorist financing;	(a) the cooperation between competent authorities under Section 1 of this Chapter, as well as with the authorities referred to under Section 2 of this Chapter and the authorities in charge of the registers referred to in Section 1 of Chapter II of this Directive, to prevent money laundering and terrorist financing;	(a) the cooperation between competent authorities under Section 1 of this Chapter, as well as with the authorities referred to under Section 2 of this Chapter and the authorities in charge of the registers referred to in Section 1 of Chapter II of this Directive, to prevent money laundering and terrorist financing; Text Origin: Commission Proposal
Article 52, first paragraph, point (aa)				
642a			<u>(aa) the cooperation between the Union bodies referred to in this Article;</u>	
Article 52, first paragraph, point (b)				
643	(b) the procedures to be used by authorities competent for the supervision or oversight of obliged entities under other Union acts to take into account money laundering	(b) the procedures to be used by authorities competent for the supervision or oversight of obliged entities under other Union acts to take into account money laundering	(b) the procedures to be used by authorities competent for the supervision or oversight of obliged entities under other Union acts to take into account money laundering	(b) the procedures to be used by authorities competent for the supervision or oversight of obliged entities under other Union acts to take into account money laundering

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	and terrorist financing concerns in the performance of their duties under their respective Union acts.	and terrorist financing concerns in the performance of their duties under their respective Union acts.	and terrorist financing concerns in the performance of their duties under their respective Union acts.	and terrorist financing concerns in the performance of their duties under their respective Union acts. Text Origin: Commission Proposal
CHAPTER VI				
644	CHAPTER VI DATA PROTECTION	CHAPTER VI DATA PROTECTION	CHAPTER VI DATA PROTECTION	CHAPTER VI DATA PROTECTION Text Origin: Commission Proposal
Article 53				
645	Article 53 Processing of certain categories of personal data	Article 53 Processing of certain categories of personal data	Article 53 Processing of certain categories of personal data	Article 53 Processing of certain categories of personal data Text Origin: Commission Proposal
Article 53(1)				
646	1. To the extent that it is strictly necessary for the purposes of this Directive, competent authorities may process special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679 and personal data relating to criminal convictions and offences referred to in Article 10 of that Regulation subject to appropriate	1. To the extent that it is ~~strictly~~ necessary for the purposes of this Directive, competent authorities may process special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679 and personal data relating to criminal convictions and offences referred to in Article 10 of that Regulation subject to appropriate	1. To the extent that it is strictly necessary for the purposes of this Directive, competent authorities may process special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679 and personal data relating to criminal convictions and offences referred to in Article 10 of that Regulation subject to appropriate	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	safeguards for the rights and freedoms of the data subject and the following additional safeguards:	safeguards for the rights and freedoms of the data subject and the following additional safeguards:	safeguards for the rights and freedoms of the data subject, <u>in addition to</u> ~~and~~ the following ~~additional~~ safeguards:	
Article 53(1), point (a)				
647	(a) processing of such data shall be performed only on a case-by-case basis by the staff of each competent authority that have been specifically designated and authorised to perform those tasks;	(a) processing of such data shall be performed only on a case-by-case basis by the staff of each competent authority that have been specifically designated and authorised to perform those tasks;	(a) processing of such data shall be performed only on a case-by-case basis by the staff of each competent authority that have been specifically designated and authorised to perform those tasks;	(a) processing of such data shall be performed only on a case-by-case basis by the staff of each competent authority that have been specifically designated and authorised to perform those tasks; Text Origin: Commission Proposal
Article 53(1), point (b)				
648	(b) staff of the competent authorities shall maintain high professional standards of confidentiality and data protection, they shall be of high integrity and are appropriately skilled;	(b) staff of the competent authorities shall maintain high professional standards of confidentiality and data protection, they shall be of high integrity and are appropriately skilled;	(b) staff of the competent authorities shall maintain high professional standards of confidentiality and data protection, they shall be of high integrity and are appropriately skilled, <u>including in detecting biases in, and in the ethical use of, big data sets</u> ;	
Article 53(1), point (c)				
649	(c) technical and organisational measures shall be in place to ensure the security of the data to high technological standards.	(c) technical and organisational measures shall be in place to ensure the security of the data to high technological standards.	(c) technical and organisational measures shall be in place to ensure the security of the data to high technological standards: <u>and to</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>ensure that the processing of the data does not lead to biased and discriminatory outcomes;</u>	
Article 53(1), point (ca)				
649a			<u>(ca) any automated decision-making shall include human review and the possibility for human intervention</u>	
Article 53(2)				
650	2. The safeguards referred to in paragraph 1 shall also apply to the processing for the purposes of this Directive of special categories of data referred to in Article 10(1) of Regulation (EU) 2018/1725 and personal data relating to criminal convictions and offences referred to in Article 11 of that regulation by Union institutions, agencies or bodies.	2. The safeguards referred to in paragraph 1 shall also apply to the processing for the purposes of this Directive of special categories of data referred to in Article 10(1) of Regulation (EU) 2018/1725 and personal data relating to criminal convictions and offences referred to in Article 11 of that regulation by Union institutions, agencies or bodies.	2. The safeguards referred to in paragraph 1 shall also apply to the processing for the purposes of this Directive of special categories of data referred to in Article 10(1) of Regulation (EU) 2018/1725 and personal data relating to criminal convictions and offences referred to in Article 11 of that regulation by Union institutions, agencies or bodies.	2. The safeguards referred to in paragraph 1 shall also apply to the processing for the purposes of this Directive of special categories of data referred to in Article 10(1) of Regulation (EU) 2018/1725 and personal data relating to criminal convictions and offences referred to in Article 11 of that regulation by Union institutions, agencies or bodies. Text Origin: Commission Proposal
CHAPTER VII				
651	CHAPTER VII FINAL PROVISIONS	CHAPTER VII FINAL PROVISIONS	CHAPTER VII FINAL PROVISIONS	CHAPTER VII FINAL PROVISIONS Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 54				
652	Article 54 Committee	Article 54 Committee	Article 54 Committee	Article 54 Committee Text Origin: Commission Proposal
Article 54(1)				
653	1. The Commission shall be assisted by the Committee on the Prevention of Money Laundering and Terrorist Financing established by Article 28 of Regulation [please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by the Committee on the Prevention of Money Laundering and Terrorist Financing established by Article 28 of Regulation <u>[please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final]</u> ~~[please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final]~~ . That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by the Committee on the Prevention of Money Laundering and Terrorist Financing established by Article 28 of Regulation [please insert reference – proposal for a recast of Regulation (EU) 2015/847 - COM/2021/422 final]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	
Article 54(2)				
654	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 55				
655	Article 55 Transitional management of FIU.net	Article 55 Transitional management of FIU.net	Article 55 Transitional management of FIU.net	Article 55 Transitional management of FIU.net Text Origin: Commission Proposal
Article 55, first paragraph				
656	At the latest by [3 years after the date of entry into force of this Directive], the Commission shall transfer to AMLA the management of FIU.net.	At the latest by <u>[3 years after the date of entry into force of this Directive]</u> ~~[3 years after the date of entry into force of this Directive]~~ , the Commission shall transfer to AMLA the management of FIU.net.	At the latest by [3 years after the date of entry into force of this Directive], the Commission shall transfer to AMLA the management of FIU.net.	
Article 55, second paragraph				
657	Until such transfer is completed, the Commission shall lend the necessary assistance for the operation of FIU.net and the exchange of information between FIUs within the Union. To this end, the Commission shall regularly convene meetings of the EU FIU's Platform composed of representatives from Member States' FIUs in order to oversee the functioning of FIU.net.	Until such transfer is completed, the Commission shall lend the necessary assistance for the operation of FIU.net and the exchange of information between FIUs within the Union. To this end, the Commission shall regularly convene meetings of the EU FIU's Platform composed of representatives from Member States' FIUs in order to oversee the functioning of FIU.net.	Until such transfer is completed, the Commission shall lend the necessary assistance for the operation of FIU.net and the exchange of information between FIUs within the Union. To this end, the Commission shall regularly convene meetings of the EU FIU's Platform composed of representatives from Member States' FIUs in order to oversee the functioning of FIU.net.	Until such transfer is completed, the Commission shall lend the necessary assistance for the operation of FIU.net and the exchange of information between FIUs within the Union. To this end, the Commission shall regularly convene meetings of the EU FIU's Platform composed of representatives from Member States' FIUs in order to oversee the functioning of FIU.net. Text Origin: Commission Proposal
Article 55a				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
657a			<u>Article 55a</u> <u>Continuity of application of adopted instruments</u> <u>1. All guidelines, opinions and recommendations issued by the European Supervisory Authorities in accordance with Directive (EU) 2015/849 and Regulations (EU) No1093/2010, (EU) No 1094/2010 and (EU) No 1095/2010 shall continue to apply until amended or repealed by AMLA.</u> <u>2. All regulatory technical standards adopted by the Commission in accordance with Directive (EU) 2015/849 and Regulations (EU) No 1093/2010, (EU) No 1094/2010 and (EU) No 1095/2010 shall continue to apply until amended or repealed by the Commission through delegated acts.</u>	
Article 56				
658	Article 56 Review	Article 56 Review	Article 56 Review	Article 56 Review Text Origin: Commission Proposal
Article 56, first paragraph				
659	By [5 years from the date of	By <u>[5 years from the date of</u>	By [5 years from the date of	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	transposition of this Directive], and every three years thereafter, the Commission shall present a report to the European Parliament and to the Council on the implementation of this Directive.	<u>transposition of this Directive</u> ~~[5 years from the date of transposition of this Directive]~~ , and every three years thereafter, the Commission shall present a report to the European Parliament and to the Council on the implementation of this Directive.	transposition of this Directive], and every three years thereafter, the Commission shall present a report to the European Parliament and to the Council on the implementation of this Directive.	
Article 56a				
659a			<u>Article 56a</u> <u>Review relating to availability and access to beneficial ownership information</u> <u>By ... [three years after the date of entry into force of this Directive], the Commission shall, in close collaboration with AMLA, conduct an assessment of the following:</u> <u>(a) the functioning of the beneficial owners registers established in the Member States as well as the interconnected system for searches through the European Central Platform;</u> <u>(b) the feasibility of establishing a centralised European beneficial ownership register;</u> <u>(c) the feasibility of the establishment of a European Know-Your-Customer (KYC)/Customer Due Diligence (CDD) Register, taking into account the potential risks for the de-risking of natural and legal persons, and the</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>mitigation of administrative burdens on both the competent authorities of the Member States and the obliged entities, the added-value in terms of data quality and mitigating measures to limit shortcomings.</u> <u>By... [three years after the date of entry into force of this Directive], the Commission shall provide a report to the European Parliament and the Council on the results of the assessment. That report may include recommendations for improving the central registers established at national level. The Commission may submit, if appropriate, a legislative proposal to the European Parliament and the Council on the establishment of a centralised European Beneficial ownership register or a European KYC/CDD Register</u>	
Article 56b				
659b			<u>Article 56b</u> <u>Review relating to registration obligations of high-value assets or goods</u> <u>By ... [two years after the date of entry into force of this Directive], the Commission shall, in close collaboration with AMLA, conduct an assessment of the feasibility of expanding the registration</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>obligations for other high-value goods or assets outside of free zones, potentially putting the registration burden on obliged entities. The assessment shall evaluate the proportionality of establishment of such register and shall include a cost-benefit analysis. It shall take into account the potential risks of evasion of registration of high-value goods or assets by moving those goods and assets outside of the Union internal market or by other means and compare the costs incurred, as well as proportionality.</u> <u>By... [two years after the date of entry into force of this Directive], the Commission shall provide a report to the European Parliament and the Council on the results of the assessment. That report may include recommendations for expanding the registration obligations. The Commission may submit, if appropriate, a legislative proposal to the European Parliament and the Council on new registration obligations.</u>	
Article 56c				
659c			<u>Article 56c</u> <u>Review relating to functioning of of high-value assets or goods</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>registers and systems</u> <u>By ... five years after the date of entry into force of this Directive], the Commission shall, in close collaboration with AMLA, conduct an assessment of the following:</u> <u>(a) the functioning of the register and data retrieval systems for motor vehicles, aircrafts and watercrafts as referred to in Article 16b;</u> <u>(b) the feasibility of expanding the registration obligations for other high-value goods or assets outside of free zones, potentially putting the registration burden on obliged entities, the assessment to include an evaluation of the proportionality of establishing such register and a cost to benefits assessment that shall play a significant role;</u> <u>(c) the functioning of the free zone asset registers as referred to in Article 16c;</u> <u>(d) the feasibility of broader registration obligations for high-value goods and assets in free zones.</u> <u>The assessment shall take into account the potential risks of</u>	

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 467/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>evasion of registration of high-value goods or assets by moving those goods and assets outside of the Union internal market or by other means and compare them to the costs incurred, as well as proportionality.</u> <u>By... [five years after the date of entry into force of this Directive], the Commission shall provide a report to the European Parliament and the Council on the results of such assessment. That report may include recommendations for improving the registers, data retrieval systems and registration obligations. The Commission may submit, if appropriate, a legislative proposal to the European Parliament and the Council on new registration obligations.</u>	
Article 57				
660	Article 57 Repeal	Article 57 Repeal	Article 57 Repeal	Article 57 Repeal Text Origin: Commission Proposal
Article 57, first paragraph				
661	Directive (EU) 2015/849 is repealed with effect from [date of	Directive (EU) 2015/849 is repealed with effect from <u>[date of</u>	Directive (EU) 2015/849 is repealed with effect from [date of	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	transposition].	<u>transposition</u> ~~[date of transposition]~~ .	transposition].	
Article 57, second paragraph				
662	References to the repealed Directive shall be construed as references to this Directive and to Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] in accordance with the correlation table set out in the Annex.	References to the repealed Directive shall be construed as references to this Directive and to Regulation <u>[please insert reference – proposal for Anti-Money Laundering Regulation]</u> ~~[please insert reference – proposal for Anti-Money Laundering Regulation]~~ in accordance with the correlation table set out in the Annex.	References to the repealed Directive shall be construed as references to this Directive and to Regulation [please insert reference – proposal for Anti-Money Laundering Regulation] in accordance with the correlation table set out in the Annex.	
Article 58				
663	Article 58 Transposition	Article 58 Transposition	Article 58 Transposition	Article 58 Transposition Text Origin: Commission Proposal
Article 58(1), first subparagraph				
664	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [please insert date - 3 years after the date of entry into force] at the latest. They shall forthwith communicate to the Commission the text of those	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by <u>[please insert date - 3 years after the date of entry into force]</u> ~~please insert date – 3 years after the date of entry into force~~ at the latest. They	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [please insert date - ~~3~~ <u>two</u> years after the date of entry into force] ~~at the latest~~ . They shall forthwith communicate to the Commission the	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	provisions.	shall forthwith communicate to the Commission the text of those provisions.	text of those provisions.	
Article 58(1), second subparagraph				
665	When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made. Text Origin: Commission Proposal
Article 58(2)				
666	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. Text Origin: Commission Proposal
Article 59				
667	Article 59 Entry into force	Article 59 Entry into force	Article 59 Entry into force	Article 59 Entry into force Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 59, first paragraph			
668	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the <u>Official Journal of the European Union</u> ~~Official Journal of the European Union.~~	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
	Article 60			
669	Article 60 Addressees	Article 60 Addressees	Article 60 Addressees	Article 60 Addressees Text Origin: Commission Proposal
	Article 60, first paragraph			
670	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States. Text Origin: Commission Proposal
	Formula			
671	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels, Text Origin: Commission Proposal
	Formula			

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
672	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament Text Origin: Commission Proposal
Formula				
673	The President	The President	The President	The President Text Origin: Commission Proposal
Formula				
674	For the Council	For the Council	For the Council	For the Council Text Origin: Commission Proposal
Formula				
675	The President	The President	The President	The President Text Origin: Commission Proposal
Annex				
675.1	Annex	Annex	Annex	Annex Text Origin: Commission Proposal
Annex, first paragraph				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
676	Correlation table	Correlation table	Correlation table	Correlation table Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 1				
677	Directive (EU) 2015/849	Directive (EU) 2015/849	Directive (EU) 2015/849	Directive (EU) 2015/849 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 2				
678	Article 1(1)	Article 1(1)	Article 1(1)	Article 1(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 3				
679	Article 1(2)	Article 1(2)	Article 1(2)	Article 1(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 4				
680	Article 1(3)	Article 1(3)	Article 1(3)	Article 1(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 5				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement	
G	681	Article 1(4)	Article 1(4)	Article 1(4) Text Origin: Commission Proposal	G
Annex, Table 1, Column 1, Row 6					
G	682	Article 1(5)	Article 1(5)	Article 1(5) Text Origin: Commission Proposal	G
Annex, Table 1, Column 1, Row 7					
G	683	Article 1(6)	Article 1(6)	Article 1(6) Text Origin: Commission Proposal	G
Annex, Table 1, Column 1, Row 8					
G	684	Article 2(1)	Article 2(1)	Article 2(1) Text Origin: Commission Proposal	G
Annex, Table 1, Column 1, Row 9					
G	685	Article 2(2)	Article 2(2)	Article 2(2) Text Origin: Commission Proposal	G
Annex, Table 1, Column 1, Row 10					

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
686	Article 2(3)	Article 2(3)	Article 2(3)	Article 2(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 11				
687	Article 2(4)	Article 2(4)	Article 2(4)	Article 2(4) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 12				
688	Article 2(5)	Article 2(5)	Article 2(5)	Article 2(5) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 13				
689	Article 2(6)	Article 2(6)	Article 2(6)	Article 2(6) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 14				
690	Article 2(7)	Article 2(7)	Article 2(7)	Article 2(7) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 15				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
691	Article 2(8)	Article 2(8)	Article 2(8)	Article 2(8) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 16				
692	Article 2(9)	Article 2(9)	Article 2(9)	Article 2(9) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 17				
693	Article 3, point (1)	Article 3, point (1)	Article 3, point (1)	Article 3, point (1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 18				
694	Article 3, point (2)	Article 3, point (2)	Article 3, point (2)	Article 3, point (2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 19				
695	Article 3, point (3)	Article 3, point (3)	Article 3, point (3)	Article 3, point (3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 20				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
696	Article 3, point (4)	Article 3, point (4)	Article 3, point (4)	Article 3, point (4) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 21				
697	Article 3, point (5)	Article 3, point (5)	Article 3, point (5)	Article 3, point (5) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 22				
698	Article 3, point (6)	Article 3, point (6)	Article 3, point (6)	Article 3, point (6) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 23				
699	Article 3, point (6) (a)	Article 3, point (6) (a)	Article 3, point (6) (a)	Article 3, point (6) (a) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 24				
700	Article 3, point (6) (b)	Article 3, point (6) (b)	Article 3, point (6) (b)	Article 3, point (6) (b) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 25				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
701	Article 3, point (6) (c)	Article 3, point (6) (c)	Article 3, point (6) (c)	Article 3, point (6) (c) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 26				
702	Article 3, point (7)	Article 3, point (7)	Article 3, point (7)	Article 3, point (7) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 27				
703	Article 3, point (8)	Article 3, point (8)	Article 3, point (8)	Article 3, point (8) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 28				
704	Article 3, point (9)	Article 3, point (9)	Article 3, point (9)	Article 3, point (9) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 29				
705	Article 3, point (10)	Article 3, point (10)	Article 3, point (10)	Article 3, point (10) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 30				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
706	Article 3, point (11)	Article 3, point (11)	Article 3, point (11)	Article 3, point (11) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 31				
707	Article 3, point (12)	Article 3, point (12)	Article 3, point (12)	Article 3, point (12) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 32				
708	Article 3, point (13)	Article 3, point (13)	Article 3, point (13)	Article 3, point (13) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 33				
709	Article 3, point (14)	Article 3, point (14)	Article 3, point (14)	Article 3, point (14) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 34				
710	Article 3, point (15)	Article 3, point (15)	Article 3, point (15)	Article 3, point (15) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 35				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
711	Article 3, point (16)	Article 3, point (16)	Article 3, point (16)	Article 3, point (16) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 36				
712	Article 3, point (17)	Article 3, point (17)	Article 3, point (17)	Article 3, point (17) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 37				
713	Article 3, point (18)	Article 3, point (18)	Article 3, point (18)	Article 3, point (18) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 38				
714	Article 3, point (19)	Article 3, point (19)	Article 3, point (19)	Article 3, point (19) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 39				
715	Article 4	Article 4	Article 4	Article 4 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 40				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 716	Article 5	Article 5	Article 5	Article 5 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 41				
G 717	Article 6	Article 6	Article 6	Article 6 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 42				
G 718	Article 7	Article 7	Article 7	Article 7 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 43				
G 719	Article 8(1)	Article 8(1)	Article 8(1)	Article 8(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 44				
G 720	Article 8(2)	Article 8(2)	Article 8(2)	Article 8(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 45				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 721	Article 8(3)	Article 8(3)	Article 8(3)	Article 8(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 46				
G 722	Article 8(4)	Article 8(4)	Article 8(4)	Article 8(4) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 47				
G 723	Article 8(5)	Article 8(5)	Article 8(5)	Article 8(5) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 48				
G 724	Article 9	Article 9	Article 9	Article 9 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 49				
G 725	Article 10	Article 10	Article 10	Article 10 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 50				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 726	Article 11	Article 11	Article 11	Article 11 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 51				
G 727	Article 12	Article 12	Article 12	Article 12 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 52				
G 728	Article 13(1)	Article 13(1)	Article 13(1)	Article 13(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 53				
G 729	Article 13(2)	Article 13(2)	Article 13(2)	Article 13(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 54				
G 730	Article 13(3)	Article 13(3)	Article 13(3)	Article 13(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 55				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 731	Article 13(4)	Article 13(4)	Article 13(4)	Article 13(4) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 56				
G 732	Article 13(5)	Article 13(5)	Article 13(5)	Article 13(5) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 57				
G 733	Article 13(6)	Article 13(6)	Article 13(6)	Article 13(6) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 58				
G 734	Article 14(1)	Article 14(1)	Article 14(1)	Article 14(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 59				
G 735	Article 14(2)	Article 14(2)	Article 14(2)	Article 14(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 60				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 736	Article 14(3)	Article 14(3)	Article 14(3)	Article 14(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 61				
G 737	Article 14(4)	Article 14(4)	Article 14(4)	Article 14(4) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 62				
G 738	Article 14(5)	Article 14(5)	Article 14(5)	Article 14(5) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 63				
G 739	Article 15	Article 15	Article 15	Article 15 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 64				
G 740	Article 16	Article 16	Article 16	Article 16 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 65				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
741	Article 17	Article 17	Article 17	Article 17 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 66				
742	Article 18(1)	Article 18(1)	Article 18(1)	Article 18(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 67				
743	Article 18(2)	Article 18(2)	Article 18(2)	Article 18(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 68				
744	Article 18(3)	Article 18(3)	Article 18(3)	Article 18(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 69				
745	Article 18(4)	Article 18(4)	Article 18(4)	Article 18(4) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 70				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 746	Article 18a(1)	Article 18a(1)	Article 18a(1)	Article 18a(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 71				
G 747	Article 18a(2)	Article 18a(2)	Article 18a(2)	Article 18a(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 72				
G 748	Article 18a(3)	Article 18a(3)	Article 18a(3)	Article 18a(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 73				
G 749	Article 18a(4)	Article 18a(4)	Article 18a(4)	Article 18a(4) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 74				
G 750	Article 18a(5)	Article 18a(5)	Article 18a(5)	Article 18a(5) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 75				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 751	Article 19	Article 19	Article 19	Article 19 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 76				
G 752	Article 20	Article 20	Article 20	Article 20 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 77				
G 753	Article 20a	Article 20a	Article 20a	Article 20a Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 78				
G 754	Article 21	Article 21	Article 21	Article 21 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 79				
G 755	Article 22	Article 22	Article 22	Article 22 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 80				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 756	Article 23	Article 23	Article 23	Article 23 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 81				
G 757	Article 24	Article 24	Article 24	Article 24 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 82				
G 758	Article 25	Article 25	Article 25	Article 25 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 83				
G 759	Article 26	Article 26	Article 26	Article 26 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 84				
G 760	Article 27	Article 27	Article 27	Article 27 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 85				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 761	Article 28	Article 28	Article 28	Article 28 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 86				
G 762	Article 29	Article 29	Article 29	Article 29 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 87				
G 763	Article 30(1)	Article 30(1)	Article 30(1)	Article 30(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 88				
G 764	Article 30(2)	Article 30(2)	Article 30(2)	Article 30(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 89				
G 765	Article 30(3)	Article 30(3)	Article 30(3)	Article 30(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 90				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 766	Article 30(4)	Article 30(4)	Article 30(4)	Article 30(4) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 91				
G 767	Article 30(5)	Article 30(5)	Article 30(5)	Article 30(5) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 92				
G 768	Article 30(5)a	Article 30(5)a	Article 30(5)a	Article 30(5)a Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 93				
G 769	Article 30(6)	Article 30(6)	Article 30(6)	Article 30(6) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 94				
G 770	Article 30(7)	Article 30(7)	Article 30(7)	Article 30(7) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 95				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 771	Article 30(8)	Article 30(8)	Article 30(8)	Article 30(8) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 96				
G 772	Article 30(9)	Article 30(9)	Article 30(9)	Article 30(9) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 97				
G 773	Article 30(10)	Article 30(10)	Article 30(10)	Article 30(10) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 98				
G 774	Article 31(1)	Article 31(1)	Article 31(1)	Article 31(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 99				
G 775	Article 31(2)	Article 31(2)	Article 31(2)	Article 31(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 100				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
776	Article 31(3)	Article 31(3)	Article 31(3)	Article 31(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 101				
777	Article 31(3a)	Article 31(3a)	Article 31(3a)	Article 31(3a) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 102				
778	Article 31(4)	Article 31(4)	Article 31(4)	Article 31(4) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 103				
779	Article 31(4a)	Article 31(4a)	Article 31(4a)	Article 31(4a) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 104				
780	Article 31(5)	Article 31(5)	Article 31(5)	Article 31(5) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 105				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
781	Article 31(6)	Article 31(6)	Article 31(6)	Article 31(6) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 106				
782	Article 31(7)	Article 31(7)	Article 31(7)	Article 31(7) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 107				
783	Article 31(7a)	Article 31(7a)	Article 31(7a)	Article 31(7a) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 108				
784	Article 31(9)	Article 31(9)	Article 31(9)	Article 31(9) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 109				
785	Article 31(10)	Article 31(10)	Article 31(10)	Article 31(10) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 110				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
786	Article 31a	Article 31a	Article 31a	Article 31a Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 111				
787	Article 32(1)	Article 32(1)	Article 32(1)	Article 32(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 112				
788	Article 32(2)	Article 32(2)	Article 32(2)	Article 32(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 113				
789	Article 32(3)	Article 32(3)	Article 32(3)	Article 32(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 114				
790	Article 32(4)	Article 32(4)	Article 32(4)	Article 32(4) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 115				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 791	Article 32(5)	Article 32(5)	Article 32(5)	Article 32(5) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 116				
G 792	Article 32(6)	Article 32(6)	Article 32(6)	Article 32(6) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 117				
G 793	Article 32(7)	Article 32(7)	Article 32(7)	Article 32(7) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 118				
G 794	Article 32(8)	Article 32(8)	Article 32(8)	Article 32(8) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 119				
G 795	Article 32(9)	Article 32(9)	Article 32(9)	Article 32(9) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 120				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 796	Article 32a(1)	Article 32a(1)	Article 32a(1)	Article 32a(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 121				
G 797	Article 32a(2)	Article 32a(2)	Article 32a(2)	Article 32a(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 122				
G 798	Article 32a(3)	Article 32a(3)	Article 32a(3)	Article 32a(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 123				
G 799	Article 32a(4)	Article 32a(4)	Article 32a(4)	Article 32a(4) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 124				
G 800	Article 32b	Article 32b	Article 32b	Article 32b Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 125				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
801	Article 33(1)	Article 33(1)	Article 33(1)	Article 33(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 126				
802	Article 33(2)	Article 33(2)	Article 33(2)	Article 33(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 127				
803	Article 34(1)	Article 34(1)	Article 34(1)	Article 34(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 128				
804	Article 34(2)	Article 34(2)	Article 34(2)	Article 34(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 129				
805	Article 34(3)	Article 34(3)	Article 34(3)	Article 34(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 130				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
806	Article 35	Article 35	Article 35	Article 35 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 131				
807	Article 36	Article 36	Article 36	Article 36 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 132				
808	Article 37	Article 37	Article 37	Article 37 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 133				
809	Article 38	Article 38	Article 38	Article 38 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 134				
810	Article 39	Article 39	Article 39	Article 39 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 135				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 811	Article 40	Article 40	Article 40	Article 40 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 136				
G 812	Article 41	Article 41	Article 41	Article 41 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 137				
G 813	Article 42	Article 42	Article 42	Article 42 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 138				
G 814	Article 43	Article 43	Article 43	Article 43 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 139				
G 815	Article 44(1)	Article 44(1)	Article 44(1)	Article 44(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 140				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
816	Article 44(2)	Article 44(2)	Article 44(2)	Article 44(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 141				
817	Article 44(3)	Article 44(3)	Article 44(3)	Article 44(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 142				
818	Article 44(4)	Article 44(4)	Article 44(4)	Article 44(4) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 143				
819	Article 45(1)	Article 45(1)	Article 45(1)	Article 45(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 144				
820	Article 45(2)	Article 45(2)	Article 45(2)	Article 45(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 145				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
821	Article 45(3)	Article 45(3)	Article 45(3)	Article 45(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 146				
822	Article 45(4)	Article 45(4)	Article 45(4)	Article 45(4) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 147				
823	Article 45(5)	Article 45(5)	Article 45(5)	Article 45(5) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 148				
824	Article 45(6)	Article 45(6)	Article 45(6)	Article 45(6) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 149				
825	Article 45(7)	Article 45(7)	Article 45(7)	Article 45(7) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 150				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
826	Article 45(8)	Article 45(8)	Article 45(8)	Article 45(8) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 151				
827	Article 45(9)	Article 45(9)	Article 45(9)	Article 45(9) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 152				
828	Article 45(10)	Article 45(10)	Article 45(10)	Article 45(10) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 153				
829	Article 45(11)	Article 45(11)	Article 45(11)	Article 45(11) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 154				
830	Article 46(1)	Article 46(1)	Article 46(1)	Article 46(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 155				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 831	Article 46(2)	Article 46(2)	Article 46(2)	Article 46(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 156				
G 832	Article 46(3)	Article 46(3)	Article 46(3)	Article 46(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 157				
G 833	Article 46(4)	Article 46(4)	Article 46(4)	Article 46(4) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 158				
G 834	Article 47(1)	Article 47(1)	Article 47(1)	Article 47(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 159				
G 835	Article 47(2)	Article 47(2)	Article 47(2)	Article 47(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 160				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
836	Article 47(3)	Article 47(3)	Article 47(3)	Article 47(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 161				
837	Article 48(1)	Article 48(1)	Article 48(1)	Article 48(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 162				
838	Article 48(1a)	Article 48(1a)	Article 48(1a)	Article 48(1a) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 163				
839	Article 48(2)	Article 48(2)	Article 48(2)	Article 48(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 164				
840	Article 48(3)	Article 48(3)	Article 48(3)	Article 48(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 165				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
841	Article 48(4)	Article 48(4)	Article 48(4)	Article 48(4) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 166				
842	Article 48(5)	Article 48(5)	Article 48(5)	Article 48(5) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 167				
843	Article 48(6)	Article 48(6)	Article 48(6)	Article 48(6) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 168				
844	Article 48(7)	Article 48(7)	Article 48(7)	Article 48(7) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 169				
845	Article 48(8)	Article 48(8)	Article 48(8)	Article 48(8) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 170				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
846	Article 48(9)	Article 48(9)	Article 48(9)	Article 48(9) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 171				
847	Article 48(10)	Article 48(10)	Article 48(10)	Article 48(10) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 172				
848	Article 49	Article 49	Article 49	Article 49 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 173				
849	Article 50	Article 50	Article 50	Article 50 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 174				
850	Article 50a	Article 50a	Article 50a	Article 50a Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 175				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement	
G	851	Article 51	Article 51	Article 51 Text Origin: Commission Proposal	G
Annex, Table 1, Column 1, Row 176					
G	852	Article 52	Article 52	Article 52 Text Origin: Commission Proposal	G
Annex, Table 1, Column 1, Row 177					
G	853	Article 53	Article 53	Article 53 Text Origin: Commission Proposal	G
Annex, Table 1, Column 1, Row 178					
G	854	Article 54	Article 54	Article 54 Text Origin: Commission Proposal	G
Annex, Table 1, Column 1, Row 179					
G	855	Article 55	Article 55	Article 55 Text Origin: Commission Proposal	G
Annex, Table 1, Column 1, Row 180					

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 856	Article 56	Article 56	Article 56	Article 56 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 181				
G 857	Article 57	Article 57	Article 57	Article 57 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 182				
G 858	Article 57a(1)	Article 57a(1)	Article 57a(1)	Article 57a(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 183				
859	Article 57a(2)		Article 57a(2)	
Annex, Table 1, Column 1, Row 184				
G 860	Article 57a(3)	Article 57a(3)	Article 57a(3)	Article 57a(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 185				
G 861	Article 57a(4)	Article 57a(4)	Article 57a(4)	Article 57a(4)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 186				
862	Article 57a(5)	Article 57a(5)	Article 57a(5)	Article 57a(5) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 187				
863	Article 57b	Article 57b	Article 57b	Article 57b Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 188				
864	Article 58(1)	Article 58(1)	Article 58(1)	Article 58(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 189				
865	Article 58(2)	Article 58(2)	Article 58(2)	Article 58(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 190				
866	Article 58(3)	Article 58(3)	Article 58(3)	Article 58(3)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 191				
867	Article 58(4)	Article 58(4)	Article 58(4)	Article 58(4) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 192				
868	Article 58(5)	Article 58(5)	Article 58(5)	Article 58(5) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 193				
869	Article 59(1)	Article 59(1)	Article 59(1)	Article 59(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 194				
870	Article 59(2)	Article 59(2)	Article 59(2)	Article 59(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 195				
871	Article 59(3)	Article 59(3)	Article 59(3)	Article 59(3)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 196				
872	Article 59(4)	Article 59(4)	Article 59(4)	Article 59(4) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 197				
873	Article 60(1)	Article 60(1)	Article 60(1)	Article 60(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 198				
874	Article 60(2)	Article 60(2)	Article 60(2)	Article 60(2) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 199				
875	Article 60(3)	Article 60(3)	Article 60(3)	Article 60(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 200				
876	Article 60(4)	Article 60(4)	Article 60(4)	Article 60(4)

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 512/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 201				
877	Article 60(5)	Article 60(5)	Article 60(5)	Article 60(5) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 202				
878	Article 60(6)	Article 60(6)	Article 60(6)	Article 60(6) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 203				
879	Article 61	Article 61	Article 61	Article 61 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 204				
880	Article 62(1)	Article 62(1)	Article 62(1)	Article 62(1) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 205				
881	Article 62(2)	Article 62(2)	Article 62(2)	Article 62(2)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 206				
882	Article 62(3)	Article 62(3)	Article 62(3)	Article 62(3) Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 207				
883	Article 63	Article 63	Article 63	Article 63 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 208				
884	Article 64	Article 64	Article 64	Article 64 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 209				
885	Article 64a	Article 64a	Article 64a	Article 64a Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 210				
886	Article 65	Article 65	Article 65	Article 65

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 211				
887	Article 66	Article 66	Article 66	Article 66 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 212				
888	Article 67	Article 67	Article 67	Article 67 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 213				
889	Article 68	Article 68	Article 68	Article 68 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 214				
890	Article 69	Article 69	Article 69	Article 69 Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 215				
891	Annex I	Annex I	Annex I	Annex I

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 216				
892	Annex II	Annex II	Annex II	Annex II Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 217				
893	Annex III	Annex III	Annex III	Annex III Text Origin: Commission Proposal
Annex, Table 1, Column 1, Row 218				
894	Annex IV	Annex IV	Annex IV	Annex IV Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 1				
895	This Directive	This Directive	This Directive	This Directive Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 2				
896	-	-	-	-

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 516/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 3				
897	-	-	-	Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 4				
898				
Annex, Table 1, Column 2, Row 5				
899				
Annex, Table 1, Column 2, Row 6				
900				
Annex, Table 1, Column 2, Row 7				
901				
Annex, Table 1, Column 2, Row 8				
902				
Annex, Table 1, Column 2, Row 9				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
903				
Annex, Table 1, Column 2, Row 10				
904				
Annex, Table 1, Column 2, Row 11				
905				
Annex, Table 1, Column 2, Row 12				
906				
Annex, Table 1, Column 2, Row 13				
907				
Annex, Table 1, Column 2, Row 14				
908				
Annex, Table 1, Column 2, Row 15				
909				
Annex, Table 1, Column 2, Row 16				
910				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Annex, Table 1, Column 2, Row 17				
911				
Annex, Table 1, Column 2, Row 18				
912				
Annex, Table 1, Column 2, Row 19				
913				
Annex, Table 1, Column 2, Row 20				
914				
Annex, Table 1, Column 2, Row 21				
915				
Annex, Table 1, Column 2, Row 22				
916				
Annex, Table 1, Column 2, Row 23				
917				
Annex, Table 1, Column 2, Row 24				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
918				
Annex, Table 1, Column 2, Row 25				
919				
Annex, Table 1, Column 2, Row 26				
920				
Annex, Table 1, Column 2, Row 27				
921				
Annex, Table 1, Column 2, Row 28				
922				
Annex, Table 1, Column 2, Row 29				
923				
Annex, Table 1, Column 2, Row 30				
924				
Annex, Table 1, Column 2, Row 31				
925				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Annex, Table 1, Column 2, Row 32				
926				
Annex, Table 1, Column 2, Row 33				
927				
Annex, Table 1, Column 2, Row 34				
928				
Annex, Table 1, Column 2, Row 35				
929				
Annex, Table 1, Column 2, Row 36				
930				
Annex, Table 1, Column 2, Row 37				
931				
Annex, Table 1, Column 2, Row 38				
932	-	-	-	- Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Annex, Table 1, Column 2, Row 39				
933	Article 3	Article 3	Article 3	Article 3 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 40				
934	-	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 41				
935	Article 7	Article 7	Article 7	Article 7 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 42				
936	Article 8	Article 8	Article 8	Article 8 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 43				
937				
Annex, Table 1, Column 2, Row 44				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
938				
Annex, Table 1, Column 2, Row 45				
939				
Annex, Table 1, Column 2, Row 46				
940				
Annex, Table 1, Column 2, Row 47				
941				
Annex, Table 1, Column 2, Row 48				
942				
Annex, Table 1, Column 2, Row 49				
943				
Annex, Table 1, Column 2, Row 50				
944				
Annex, Table 1, Column 2, Row 51				
945	-	-	-	-

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 52				
946				
Annex, Table 1, Column 2, Row 53				
947				
Annex, Table 1, Column 2, Row 54				
948				
Annex, Table 1, Column 2, Row 55				
949				
Annex, Table 1, Column 2, Row 56				
950				
Annex, Table 1, Column 2, Row 57				
951				
Annex, Table 1, Column 2, Row 58				
952				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Annex, Table 1, Column 2, Row 59				
953				
Annex, Table 1, Column 2, Row 60				
954				
Annex, Table 1, Column 2, Row 61				
955				
Annex, Table 1, Column 2, Row 62				
956				
Annex, Table 1, Column 2, Row 63				
957				
Annex, Table 1, Column 2, Row 64				
958				
Annex, Table 1, Column 2, Row 65				
959	-	-	-	- Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Annex, Table 1, Column 2, Row 66			
960				
	Annex, Table 1, Column 2, Row 67			
961				
	Annex, Table 1, Column 2, Row 68			
962	-	-	-	- Text Origin: Commission Proposal
	Annex, Table 1, Column 2, Row 69			
963	-	-	-	- Text Origin: Commission Proposal
	Annex, Table 1, Column 2, Row 70			
964				
	Annex, Table 1, Column 2, Row 71			
965	-	-	-	- Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Annex, Table 1, Column 2, Row 72			
966				
	Annex, Table 1, Column 2, Row 73			
967	-	-	-	- Text Origin: Commission Proposal
	Annex, Table 1, Column 2, Row 74			
968				
	Annex, Table 1, Column 2, Row 75			
969				
	Annex, Table 1, Column 2, Row 76			
970				
	Annex, Table 1, Column 2, Row 77			
971				
	Annex, Table 1, Column 2, Row 78			
972				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Annex, Table 1, Column 2, Row 79				
973				
Annex, Table 1, Column 2, Row 80				
974				
Annex, Table 1, Column 2, Row 81				
975				
Annex, Table 1, Column 2, Row 82				
976				
Annex, Table 1, Column 2, Row 83				
977				
Annex, Table 1, Column 2, Row 84				
978				
Annex, Table 1, Column 2, Row 85				
979				
Annex, Table 1, Column 2, Row 86				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
980	-	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 87				
981				
Annex, Table 1, Column 2, Row 88				
982				
Annex, Table 1, Column 2, Row 89				
983	Article 10(1)	Article 10(1)	Article 10(1)	Article 10(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 90				
984	Article 10(5)	Article 10(5)	Article 10(5)	Article 10(5) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 91				
985	Article 11 and Article 12(1)	Article 11 and Article 12(1)	Article 11 and Article 12(1)	Article 11 and Article 12(1) Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Annex, Table 1, Column 2, Row 92				
986	Article 12(2)	Article 12(2)	Article 12(2)	Article 12(2) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 93				
987	Article 11(1), (2) and (3)	Article 11(1), (2) and (3)	Article 11(1), (2) and (3)	Article 11(1), (2) and (3) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 94				
988	Article 45(2)	Article 45(2)	Article 45(2)	Article 45(2) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 95				
989				
Annex, Table 1, Column 2, Row 96				
990	Article 13	Article 13	Article 13	Article 13 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 97				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
991	Article 10(11) and (12)		Article 10(11) and (12)	
Annex, Table 1, Column 2, Row 98				
992				
Annex, Table 1, Column 2, Row 99				
993				
Annex, Table 1, Column 2, Row 100				
994				
Annex, Table 1, Column 2, Row 101				
995	Article 10(1)	Article 10(1)	Article 10(1)	Article 10(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 102				
996	Article 11 and Article 12(1)	Article 11 and Article 12(1)	Article 11 and Article 12(1)	Article 11 and Article 12(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 103				
997	Article 12(2)	Article 12(2)	Article 12(2)	Article 12(2)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 104				
G 998	Article 10(5)	Article 10(5)	Article 10(5)	Article 10(5) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 105				
999				
Annex, Table 1, Column 2, Row 106				
G 1000	Article 45(2)	Article 45(2)	Article 45(2)	Article 45(2) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 107				
G 1001	Article 13	Article 13	Article 13	Article 13 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 108				
G 1002	Article 10(11) and (12)	Article 10(11) and (12)	Article 10(11) and (12)	Article 10(11) and (12) Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Annex, Table 1, Column 2, Row 109			
1003				
	Annex, Table 1, Column 2, Row 110			
1004	Article 15(1)	Article 15(1)	Article 15(1)	Article 15(1) Text Origin: Commission Proposal
	Annex, Table 1, Column 2, Row 111			
1005	Article 17(1)	Article 17(1)	Article 17(1)	Article 17(1) Text Origin: Commission Proposal
	Annex, Table 1, Column 2, Row 112			
1006	Article 46(1)	Article 46(1)	Article 46(1)	Article 46(1) Text Origin: Commission Proposal
	Annex, Table 1, Column 2, Row 113			
1007	Article 17(2), (4) and (5)	Article 17(2), (4) and (5)	Article 17(2), (4) and (5)	Article 17(2), (4) and (5) Text Origin: Commission Proposal
	Annex, Table 1, Column 2, Row 114			

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 1008	Articles 18(1) and 19(1)	Articles 18(1) and 19(1)	Articles 18(1) and 19(1)	Articles 18(1) and 19(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 115				
G 1009	Article 19(1)	Article 19(1)	Article 19(1)	Article 19(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 116				
G 1010	Article 19(2)	Article 19(2)	Article 19(2)	Article 19(2) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 117				
G 1011	Article 20(1)	Article 20(1)	Article 20(1)	Article 20(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 118				
G 1012	Article 17(3)	Article 17(3)	Article 17(3)	Article 17(3) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 119				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
1013	Article 18(4)	Article 18(4)	Article 18(4)	Article 18(4) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 120				
1014	Article 14(1)	Article 14(1)	Article 14(1)	Article 14(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 121				
1015	Article 14(2)	Article 14(2)	Article 14(2)	Article 14(2) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 122				
1016	Article 14(3)	Article 14(3)	Article 14(3)	Article 14(3) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 123				
1017	Article 14(4)	Article 14(4)	Article 14(4)	Article 14(4) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 124				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
1018	Article 16	Article 16	Article 16	Article 16 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 125				
1019				
Annex, Table 1, Column 2, Row 126				
1020				
Annex, Table 1, Column 2, Row 127				
1021				
Annex, Table 1, Column 2, Row 128				
1022				
Annex, Table 1, Column 2, Row 129				
1023	-	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 130				
1024				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Annex, Table 1, Column 2, Row 131				
1025	Article 32	Article 32	Article 32	Article 32 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 132				
1026				
Annex, Table 1, Column 2, Row 133				
1027	Article 43(3)	Article 43(3)	Article 43(3)	Article 43(3) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 134				
1028				
Annex, Table 1, Column 2, Row 135				
1029				
Annex, Table 1, Column 2, Row 136				
1030				
Annex, Table 1, Column 2, Row 137				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
1031				
Annex, Table 1, Column 2, Row 138				
1032	-	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 139				
1033	Article 9(1)	Article 9(1)	Article 9(1)	Article 9(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 140				
1034	Article 9(2)		Article 9(2)	
Annex, Table 1, Column 2, Row 141				
1035	Article 9(3)	Article 9(3)	Article 9(3)	Article 9(3) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 142				
1036	Article 9(6)	Article 9(6)	Article 9(6)	Article 9(6) Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Annex, Table 1, Column 2, Row 143			
1037				
	Annex, Table 1, Column 2, Row 144			
1038	-	-	-	- Text Origin: Commission Proposal
	Annex, Table 1, Column 2, Row 145			
1039				
	Annex, Table 1, Column 2, Row 146			
1040	Article 35	Article 35	Article 35	Article 35 Text Origin: Commission Proposal
	Annex, Table 1, Column 2, Row 147			
1041				
	Annex, Table 1, Column 2, Row 148			
1042				
	Annex, Table 1, Column 2, Row 149			

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
1043				
Annex, Table 1, Column 2, Row 150				
1044				
Annex, Table 1, Column 2, Row 151				
1045	Article 5(1)	Article 5(1)	Article 5(1)	Article 5(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 152				
1046	Article 5(2)	Article 5(2)	Article 5(2)	Article 5(2) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 153				
1047	Article 5(3)	Article 5(3)	Article 5(3)	Article 5(3) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 154				
1048				
Annex, Table 1, Column 2, Row 155				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
1049	-	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 156				
1050	Article 21	Article 21	Article 21	Article 21 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 157				
1051				
Annex, Table 1, Column 2, Row 158				
1052	Article 4	Article 4	Article 4	Article 4 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 159				
1053	Article 6(1)	Article 6(1)	Article 6(1)	Article 6(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 160				
1054	Article 6(2)	Article 6(2)	Article 6(2)	Article 6(2)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 161				
1055	Article 29(1)	Article 29(1)	Article 29(1)	Article 29(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 162				
1056	Article 29(5) and Article 46	Article 29(5) and Article 46	Article 29(5) and Article 46	Article 29(5) and Article 46 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 163				
1057	Article 29(2) and (5)	Article 29(2) and (5)	Article 29(2) and (5)	Article 29(2) and (5) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 164				
1058	Article 29(6)	Article 29(6)	Article 29(6)	Article 29(6) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 165				
1059	Articles 33 and 34	Articles 33 and 34	Articles 33 and 34	Articles 33 and 34

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 166				
1060	Articles 33(4) and 34(2)	Articles 33(4) and 34(2)	Articles 33(4) and 34(2)	Articles 33(4) and 34(2) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 167				
1061	Article 31(1)	Article 31(1)	Article 31(1)	Article 31(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 168				
1062	Article 31(2)	Article 31(2)	Article 31(2)	Article 31(2) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 169				
1063	Article 31(5)	Article 31(5)	Article 31(5)	Article 31(5) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 170				
1064	Article 29(3)	Article 29(3)	Article 29(3)	Article 29(3)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 171				
G 1065	Article 31(4)	Article 31(4)	Article 31(4)	Article 31(4) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 172				
G 1066	Article 45(1)	Article 45(1)	Article 45(1)	Article 45(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 173				
G 1067	Article 47	Article 47	Article 47	Article 47 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 174				
G 1068	Article 45(3)	Article 45(3)	Article 45(3)	Article 45(3) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 175				
G 1069	-	-	-	-

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 176				
1070	Article 22	Article 22	Article 22	Article 22 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 177				
1071	Article 24	Article 24	Article 24	Article 24 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 178				
1072	Article 26	Article 26	Article 26	Article 26 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 179				
1073	Article 27	Article 27	Article 27	Article 27 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 180				
1074	Article 23(2) and (3)	Article 23(2) and (3)	Article 23(2) and (3)	Article 23(2) and (3)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 181				
1075	Article 28	Article 28	Article 28	Article 28 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 182				
1076	Article 50(1)	Article 50(1)	Article 50(1)	Article 50(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 183				
1077	Article 50(2)	Article 50(2)	Article 50(2)	Article 50(2) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 184				
1078	Article 50(3)	Article 50(3)	Article 50(3)	Article 50(3) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 185				
1079	Articles 33(1) and 34(1) and (3)	Articles 33(1) and 34(1) and (3)	Articles 33(1) and 34(1) and (3)	Articles 33(1) and 34(1) and (3)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 186				
G 1080	Article 37	Article 37	Article 37	Article 37 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 187				
G 1081	Article 51	Article 51	Article 51	Article 51 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 188				
G 1082	Article 39(1)	Article 39(1)	Article 39(1)	Article 39(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 189				
G 1083	Article 39(2)	Article 39(2)	Article 39(2)	Article 39(2) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 190				
G 1084	Article 39(3)	Article 39(3)	Article 39(3)	Article 39(3)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 191				
G 1085	-	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 192				
G 1086	Article 39(4)	Article 39(4)	Article 39(4)	Article 39(4) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 193				
G 1087	Article 40(1)	Article 40(1)	Article 40(1)	Article 40(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 194				
G 1088	Articles 40(2) and 41(1)	Articles 40(2) and 41(1)	Articles 40(2) and 41(1)	Articles 40(2) and 41(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 195				
G 1089	Article 40(3)	Article 40(3)	Article 40(3)	Article 40(3)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 196				
G 1090	Article 40(4)	Article 40(4)	Article 40(4)	Article 40(4) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 197				
G 1091	Article 42(1)	Article 42(1)	Article 42(1)	Article 42(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 198				
G 1092	Article 42(2)	Article 42(2)	Article 42(2)	Article 42(2) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 199				
G 1093	Article 42(3)	Article 42(3)	Article 42(3)	Article 42(3) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 200				
G 1094	Article 39(5)	Article 39(5)	Article 39(5)	Article 39(5)

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 549/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 201				
1095	Article 42(4)	Article 42(4)	Article 42(4)	Article 42(4) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 202				
1096	Article 42(5)	Article 42(5)	Article 42(5)	Article 42(5) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 203				
1097	Article 43	Article 43	Article 43	Article 43 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 204				
1098	Article 44(1)	Article 44(1)	Article 44(1)	Article 44(1) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 205				
1099	Article 6(6)	Article 6(6)	Article 6(6)	Article 6(6)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 206				
G 1100	Article 44(2)	Article 44(2)	Article 44(2)	Article 44(2) Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 207				
G 1101	-	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 208				
1102				
Annex, Table 1, Column 2, Row 209				
G 1103	Article 54	Article 54	Article 54	Article 54 Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 210				
G 1104	-	-	-	- Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Annex, Table 1, Column 2, Row 211				
G	1105	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 212				
G	1106	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 213				
G	1107	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 214				
G	1108	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 2, Row 215				
	1109			
Annex, Table 1, Column 2, Row 216				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
1110				
Annex, Table 1, Column 2, Row 217				
1111				
Annex, Table 1, Column 2, Row 218				
1112	-	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 1				
1113	Regulation (EU) XXXX/XX [please insert reference to proposal for anti-money laundering Regulation]	Regulation (EU) XXXX/XX [please insert reference to proposal for anti-money laundering Regulation]	Regulation (EU) XXXX/XX [please insert reference to proposal for anti-money laundering Regulation]	Regulation (EU) XXXX/XX [please insert reference to proposal for anti-money laundering Regulation] Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 2				
1114	-	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 3				
1115	-	-	-	-

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 4				
G 1116	Article 2, point (1)	Article 2, point (1)	Article 2, point (1)	Article 2, point (1) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 5				
G 1117	Article 2, point (1)	Article 2, point (1)	Article 2, point (1)	Article 2, point (1) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 6				
G 1118	Article 2, point (2)	Article 2, point (2)	Article 2, point (2)	Article 2, point (2) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 7				
G 1119	Article 2, points (1) and (2)	Article 2, points (1) and (2)	Article 2, points (1) and (2)	Article 2, points (1) and (2) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 8				
G 1120	Article 3	Article 3	Article 3	Article 3

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 9				
G	1121	Article 4	Article 4	Article 4 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 10				
G	1122	Article 5(1)	Article 5(1)	Article 5(1) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 11				
G	1123	Article 5(2)	Article 5(2)	Article 5(2) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 12				
G	1124	Article 5(3)	Article 5(3)	Article 5(3) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 13				
G	1125	Article 5(4)	Article 5(4)	Article 5(4)

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (Text with EEA relevance) 2021/0250(COD) 17-10-2023 at 13h04 555/591

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 14				
G 1126	Article 5(5)	Article 5(5)	Article 5(5)	Article 5(5) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 15				
G 1127	Article 6	Article 6	Article 6	Article 6 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 16				
G 1128	Article 4(3) and Article 5(6)	Article 4(3) and Article 5(6)	Article 4(3) and Article 5(6)	Article 4(3) and Article 5(6) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 17				
G 1129	Article 2, point (5)	Article 2, point (5)	Article 2, point (5)	Article 2, point (5) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 18				
G 1130	Article 2, point (6)	Article 2, point (6)	Article 2, point (6)	Article 2, point (6)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 19				
G 1131	Article 2, point (4)	Article 2, point (4)	Article 2, point (4)	Article 2, point (4) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 20				
G 1132	Article 2, point (3)	Article 2, point (3)	Article 2, point (3)	Article 2, point (3) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 21				
G 1133	Article 2, point (35)	Article 2, point (35)	Article 2, point (35)	Article 2, point (35) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 22				
G 1134	Article 2, point (22)	Article 2, point (22)	Article 2, point (22)	Article 2, point (22) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 23				
G 1135	Article 42(1)	Article 42(1)	Article 42(1)	Article 42(1)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 24				
G 1136	Article 43	Article 43	Article 43	Article 43 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 25				
G 1137	Article 42(2)	Article 42(2)	Article 42(2)	Article 42(2) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 26				
G 1138	Article 2, point (7)	Article 2, point (7)	Article 2, point (7)	Article 2, point (7) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 27				
G 1139	Article 2, point (19)	Article 2, point (19)	Article 2, point (19)	Article 2, point (19) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 28				
G 1140	Article 2, point (25)	Article 2, point (25)	Article 2, point (25)	Article 2, point (25)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 29				
G 1141	Article 2, point (26)	Article 2, point (26)	Article 2, point (26)	Article 2, point (26) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 30				
G 1142	Article 2, point (27)	Article 2, point (27)	Article 2, point (27)	Article 2, point (27) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 31				
G 1143	Article 2, point (28)	Article 2, point (28)	Article 2, point (28)	Article 2, point (28) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 32				
G 1144	Article 2, point (16)	Article 2, point (16)	Article 2, point (16)	Article 2, point (16) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 33				
G 1145	Article 2, point (8)	Article 2, point (8)	Article 2, point (8)	Article 2, point (8)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 34				
G 1146	Article 2, point (29)	Article 2, point (29)	Article 2, point (29)	Article 2, point (29) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 35				
G 1147	Article 2, point (15)	Article 2, point (15)	Article 2, point (15)	Article 2, point (15) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 36				
G 1148	Article 2, point (20)	Article 2, point (20)	Article 2, point (20)	Article 2, point (20) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 37				
G 1149	Article 2, point (13)	Article 2, point (13)	Article 2, point (13)	Article 2, point (13) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 38				
G 1150	-	-	-	-

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 39				
1151				
Annex, Table 1, Column 3, Row 40				
1152	-	-	-	Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 41				
1153				
Annex, Table 1, Column 3, Row 42				
1154				
Annex, Table 1, Column 3, Row 43				
1155	Article 8(1)	Article 8(1)	Article 8(1)	Article 8(1) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 44				
1156	Article 8(2) and (3)	Article 8(2) and (3)	Article 8(2) and (3)	Article 8(2) and (3)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 45				
G 1157	Article 7(1)	Article 7(1)	Article 7(1)	Article 7(1) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 46				
G 1158	Article 7(2)	Article 7(2)	Article 7(2)	Article 7(2) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 47				
G 1159	Article 7(2) and (3)	Article 7(2) and (3)	Article 7(2) and (3)	Article 7(2) and (3) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 48				
G 1160	Article 23	Article 23	Article 23	Article 23 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 49				
G 1161	Article 58	Article 58	Article 58	Article 58

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 50				
G 1162	Article 15	Article 15	Article 15	Article 15 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 51				
G 1163	-	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 52				
G 1164	Article 16(1)	Article 16(1)	Article 16(1)	Article 16(1) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 53				
G 1165	Article 16(2)	Article 16(2)	Article 16(2)	Article 16(2) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 54				
G 1166	Article 16(2)	Article 16(2)	Article 16(2)	Article 16(2)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 55				
G 1167	Article 16(4)	Article 16(4)	Article 16(4)	Article 16(4) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 56				
G 1168	Article 37	Article 37	Article 37	Article 37 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 57				
G 1169	Article 18(3)	Article 18(3)	Article 18(3)	Article 18(3) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 58				
G 1170	Article 19(1)	Article 19(1)	Article 19(1)	Article 19(1) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 59				
G 1171	Article 19(2)	Article 19(2)	Article 19(2)	Article 19(2)

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 60				
G 1172	Article 19(3)	Article 19(3)	Article 19(3)	Article 19(3) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 61				
G 1173	Article 17	Article 17	Article 17	Article 17 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 62				
G 1174	Article 21(2) and (3)	Article 21(2) and (3)	Article 21(2) and (3)	Article 21(2) and (3) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 63				
G 1175	Article 27	Article 27	Article 27	Article 27 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 64				
G 1176	Article 27(1)	Article 27(1)	Article 27(1)	Article 27(1)

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 65				
1177	-	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 66				
1178	Article 28(1)	Article 28(1)	Article 28(1)	Article 28(1) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 67				
1179	Article 28(2)	Article 28(2)	Article 28(2)	Article 28(2) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 68				
1180	Article 28(3)	Article 28(3)	Article 28(3)	Article 28(3) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 69				
1181	-	-	-	-

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 70				
1182	Articles 23(4) and 28(4)	Articles 23(4) and 28(4)	Articles 23(4) and 28(4)	Articles 23(4) and 28(4) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 71				
1183	Article 23(5) and Article 29, point (a)	Article 23(5) and Article 29, point (a)	Article 23(5) and Article 29, point (a)	Article 23(5) and Article 29, point (a) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 72				
1184	Article 23(5) and Article 29, point (b)	Article 23(5) and Article 29, point (b)	Article 23(5) and Article 29, point (b)	Article 23(5) and Article 29, point (b) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 73				
1185	-	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 74				
1186				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 29(3)	Article 29(3)	Article 29(3)	Article 29(3) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 75				
G 1187	Article 30	Article 30	Article 30	Article 30 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 76				
G 1188	Article 32	Article 32	Article 32	Article 32 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 77				
G 1189	Article 33	Article 33	Article 33	Article 33 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 78				
G 1190	Article 34	Article 34	Article 34	Article 34 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 79				
G 1191				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 35	Article 35	Article 35	Article 35 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 80				
1192	Article 36	Article 36	Article 36	Article 36 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 81				
1193	Article 31	Article 31	Article 31	Article 31 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 82				
1194	Article 38(1)	Article 38(1)	Article 38(1)	Article 38(1) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 83				
1195	Article 38	Article 38	Article 38	Article 38 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 84				
1196				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 39	Article 39	Article 39	Article 39 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 85				
1197	Article 38(3)	Article 38(3)	Article 38(3)	Article 38(3) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 86				
1198	-	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 87				
1199	Article 45(1) and (3) and Article 49	Article 45(1) and (3) and Article 49	Article 45(1) and (3) and Article 49	Article 45(1) and (3) and Article 49 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 88				
1200	Article 45(4)	Article 45(4)	Article 45(4)	Article 45(4) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 89				
1201				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Annex, Table 1, Column 3, Row 90				
1202				
Annex, Table 1, Column 3, Row 91				
1203				
Annex, Table 1, Column 3, Row 92				
1204				
Annex, Table 1, Column 3, Row 93				
1205				
Annex, Table 1, Column 3, Row 94				
1206				
Annex, Table 1, Column 3, Row 95				
1207	Article 18(4)	Article 18(4)	Article 18(4)	Article 18(4) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 96				
1208				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Annex, Table 1, Column 3, Row 97				
1209				
Annex, Table 1, Column 3, Row 98				
1210	Articles 43(1) and 46(1) and Article 49	Articles 43(1) and 46(1) and Article 49	Articles 43(1) and 46(1) and Article 49	Articles 43(1) and 46(1) and Article 49 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 99				
1211	Article 46(2)	Article 46(2)	Article 46(2)	Article 46(2) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 100				
1212	Article 46(3)	Article 46(3)	Article 46(3)	Article 46(3) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 101				
1213	Article 48	Article 48	Article 48	Article 48 Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Annex, Table 1, Column 3, Row 102			
1214				
	Annex, Table 1, Column 3, Row 103			
1215				
	Annex, Table 1, Column 3, Row 104			
1216				
	Annex, Table 1, Column 3, Row 105			
1217	Article 18(4)	Article 18(4)	Article 18(4)	Article 18(4) Text Origin: Commission Proposal
	Annex, Table 1, Column 3, Row 106			
1218				
	Annex, Table 1, Column 3, Row 107			
1219				
	Annex, Table 1, Column 3, Row 108			
1220				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Annex, Table 1, Column 3, Row 109				
1221	Article 43(2)	Article 43(2)	Article 43(2)	Article 43(2) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 110				
1222				
Annex, Table 1, Column 3, Row 111				
1223				
Annex, Table 1, Column 3, Row 112				
1224				
Annex, Table 1, Column 3, Row 113				
1225				
Annex, Table 1, Column 3, Row 114				
1226				
Annex, Table 1, Column 3, Row 115				
1227				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Annex, Table 1, Column 3, Row 116				
1228				
Annex, Table 1, Column 3, Row 117				
1229				
Annex, Table 1, Column 3, Row 118				
1230				
Annex, Table 1, Column 3, Row 119				
1231				
Annex, Table 1, Column 3, Row 120				
1232				
Annex, Table 1, Column 3, Row 121				
1233				
Annex, Table 1, Column 3, Row 122				
1234				
Annex, Table 1, Column 3, Row 123				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
1235				
Annex, Table 1, Column 3, Row 124				
1236				
Annex, Table 1, Column 3, Row 125				
1237	Article 50(1)	Article 50(1)	Article 50(1)	Article 50(1) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 126				
1238	Article 50(6)	Article 50(6)	Article 50(6)	Article 50(6) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 127				
1239	Article 51(1)	Article 51(1)	Article 51(1)	Article 51(1) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 128				
1240	Article 51(2)	Article 51(2)	Article 51(2)	Article 51(2) Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Annex, Table 1, Column 3, Row 129			
1241	-	-	-	- Text Origin: Commission Proposal
	Annex, Table 1, Column 3, Row 130			
1242	Article 52	Article 52	Article 52	Article 52 Text Origin: Commission Proposal
	Annex, Table 1, Column 3, Row 131			
1243				
	Annex, Table 1, Column 3, Row 132			
1244	Article 53	Article 53	Article 53	Article 53 Text Origin: Commission Proposal
	Annex, Table 1, Column 3, Row 133			
1245	Article 11(3)	Article 11(3)	Article 11(3)	Article 11(3) Text Origin: Commission Proposal
	Annex, Table 1, Column 3, Row 134			

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement	
G	1246	Article 54	Article 54	Article 54 Text Origin: Commission Proposal	G
Annex, Table 1, Column 3, Row 135					
G	1247	Article 56	Article 56	Article 56 Text Origin: Commission Proposal	G
Annex, Table 1, Column 3, Row 136					
G	1248	Article 55	Article 55	Article 55 Text Origin: Commission Proposal	G
Annex, Table 1, Column 3, Row 137					
G	1249	Article 57	Article 57	Article 57 Text Origin: Commission Proposal	G
Annex, Table 1, Column 3, Row 138					
G	1250	-	-	- Text Origin: Commission Proposal	G
Annex, Table 1, Column 3, Row 139					

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
1251				
Annex, Table 1, Column 3, Row 140				
1252				
Annex, Table 1, Column 3, Row 141				
1253				
Annex, Table 1, Column 3, Row 142				
1254				
Annex, Table 1, Column 3, Row 143				
1255	Article 13(1)	Article 13(1)	Article 13(1)	Article 13(1) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 144				
1256	-	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 145				
1257	Article 14(1)	Article 14(1)	Article 14(1)	Article 14(1)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 146				
1258				
Annex, Table 1, Column 3, Row 147				
1259	Article 14(2)	Article 14(2)	Article 14(2)	Article 14(2) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 148				
1260	Article 14(3)	Article 14(3)	Article 14(3)	Article 14(3) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 149				
1261	Article 14(4)	Article 14(4)	Article 14(4)	Article 14(4) Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 150				
1262	Article 13(2)	Article 13(2)	Article 13(2)	Article 13(2) Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Annex, Table 1, Column 3, Row 151			
1263				
	Annex, Table 1, Column 3, Row 152			
1264				
	Annex, Table 1, Column 3, Row 153			
1265				
	Annex, Table 1, Column 3, Row 154			
1266	Article 10	Article 10	Article 10	Article 10 Text Origin: Commission Proposal
	Annex, Table 1, Column 3, Row 155			
1267	-	-	-	- Text Origin: Commission Proposal
	Annex, Table 1, Column 3, Row 156			
1268				
	Annex, Table 1, Column 3, Row 157			

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
1269	Article 9	Article 9	Article 9	Article 9 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 158				
1270				
Annex, Table 1, Column 3, Row 159				
1271				
Annex, Table 1, Column 3, Row 160				
1272				
Annex, Table 1, Column 3, Row 161				
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Annex, Table 1, Column 3, Row 162				
1274				
Annex, Table 1, Column 3, Row 163				
1275				
Annex, Table 1, Column 3, Row 164				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
1276				
Annex, Table 1, Column 3, Row 165				
1277				
Annex, Table 1, Column 3, Row 166				
1278				
Annex, Table 1, Column 3, Row 167				
1279				
Annex, Table 1, Column 3, Row 168				
1280				
Annex, Table 1, Column 3, Row 169				
1281				
Annex, Table 1, Column 3, Row 170				
1282				
Annex, Table 1, Column 3, Row 171				
1283				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Annex, Table 1, Column 3, Row 172				
1284				
Annex, Table 1, Column 3, Row 173				
1285				
Annex, Table 1, Column 3, Row 174				
1286				
Annex, Table 1, Column 3, Row 175				
1287	-	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 176				
1288				
Annex, Table 1, Column 3, Row 177				
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Annex, Table 1, Column 3, Row 178				
1290				

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Annex, Table 1, Column 3, Row 179				
1291				
Annex, Table 1, Column 3, Row 180				
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Annex, Table 1, Column 3, Row 181				
1293				
Annex, Table 1, Column 3, Row 182				
1294				
Annex, Table 1, Column 3, Row 183				
1295				
Annex, Table 1, Column 3, Row 184				
1296				
Annex, Table 1, Column 3, Row 185				
1297				
Annex, Table 1, Column 3, Row 186				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
1298				
Annex, Table 1, Column 3, Row 187				
1299				
Annex, Table 1, Column 3, Row 188				
1300				
Annex, Table 1, Column 3, Row 189				
1301				
Annex, Table 1, Column 3, Row 190				
1302				
Annex, Table 1, Column 3, Row 191				
1303	-	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 192				
1304				
Annex, Table 1, Column 3, Row 193				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
1305				
Annex, Table 1, Column 3, Row 194				
1306				
Annex, Table 1, Column 3, Row 195				
1307				
Annex, Table 1, Column 3, Row 196				
1308				
Annex, Table 1, Column 3, Row 197				
1309				
Annex, Table 1, Column 3, Row 198				
1310				
Annex, Table 1, Column 3, Row 199				
1311				
Annex, Table 1, Column 3, Row 200				
1312				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Annex, Table 1, Column 3, Row 201				
1313				
Annex, Table 1, Column 3, Row 202				
1314				
Annex, Table 1, Column 3, Row 203				
1315				
Annex, Table 1, Column 3, Row 204				
1316				
Annex, Table 1, Column 3, Row 205				
1317				
Annex, Table 1, Column 3, Row 206				
1318				
Annex, Table 1, Column 3, Row 207				
1319	-	-	-	- Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Annex, Table 1, Column 3, Row 208				
G	1320	Article 60	Article 60	Article 60 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 209				
G	1321	Article 61	Article 61	Article 61 Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 210				
G	1322	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 211				
G	1323	-	-	- Text Origin: Commission Proposal
Annex, Table 1, Column 3, Row 212				
G	1324	-	-	- Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Annex, Table 1, Column 3, Row 213			
G	1325	-	-	- Text Origin: Commission Proposal
	Annex, Table 1, Column 3, Row 214			
G	1326	-	-	- Text Origin: Commission Proposal
	Annex, Table 1, Column 3, Row 215			
G	1327	Annex I	Annex I	Annex I Text Origin: Commission Proposal
	Annex, Table 1, Column 3, Row 216			
G	1328	Annex II	Annex II	Annex II Text Origin: Commission Proposal
	Annex, Table 1, Column 3, Row 217			
G	1329	Annex III	Annex III	Annex III Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Annex, Table 1, Column 3, Row 218			
G 1330	-	-	-	- Text Origin: Commission Proposal