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WK 15588/2023 INIT

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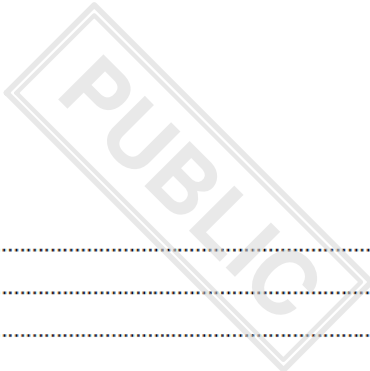
From: General Secretariat of the Council
To: Financial Services Attachés
Working Party on Financial Services and the Banking Union (AML)

Subject: Commission services non-paper on central database (Art. 11)

WK 15588/2023 INIT

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EN



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I. AML/CFT database

a. Legal drafting

Article 11

1. The Authority shall establish and keep up to date a central database of information collected pursuant to ~~paragraph 2~~this Article. The database shall include the information stemming from the activities of Authority in the area of direct supervision which corresponds to the categories of information collected from supervisory authorities listed in this Article.

The Authority shall ~~analyse the information received and ensure that the collected information is~~ make the collected information ~~ide~~ available to supervisory authorities, and non-AML/CFT authorities, as well as other national authorities and bodies competent for ensuring compliance with Directive 2014/17/EU [Mortgage Credit Directive, reference to be replaced when the recast is published in OJ], Directive 2008/48/EC [Consumer Credit Directive], Directive (EU) 2015/2366 [PSD], Directive 2009/110/EC [e-money Directive], Directive 2009/138/EC [Solvency II], Directive 2014/65/EU [Mifid II], and Regulation [MiCA], Directive 2014/56/EU [Audit Directive], Regulation (EU) No 537/2014 [Audit Regulation], [and to the European Supervisory Authorities], on a need-to-know and confidential basis, and where it is necessary for the fulfilment of their tasks.

The Authority shall also analyse the collected information and may share the results of its analysis [and inspections] on its own initiative with supervisory authorities, [including relevant] non-AML/CFT authorities, for the purposes of facilitating, where necessary to facilitate their supervisory activities, and where relevant, with obliged entities.

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2. The supervisory authorities shall transmit to the Authority **[at least]** the following information, including the data related to individual obliged entities:

(a) a list of all supervisory authorities and self-regulatory bodies entrusted with supervision of obliged entities, including information about their mandate, tasks and powers **and where applicable the identification of the leading supervisor or coordination mechanism;**

(b) statistical information about the **types/categories** and number of supervised obliged entities **per category** in each Member State and basic information about the risk profile;

(c) **binding administrative measures taken and pecuniary sanctions imposed taken** in the course of supervision of individual obliged entities **[in response to serious, systematic or repeated breach of AML/CFT requirements]**, accompanied by:

(i) reasoning relating to the grounds for imposition of the administrative measure or pecuniary sanction, such as the nature of the breach;

(ii) related information on supervisory activities and outcomes leading to imposition of the administrative measure or pecuniary sanction];

(d) **[any advice or opinion related to ML/TF risks** provided to other **national** authorities in relation to authorisation procedures, withdrawal of authorisation procedures, and fit and proper assessments of shareholders or members of the management body of individual obliged entities;]

(e) ~~reports on outcomes of supervisory activities;~~ **[(ea)(e)** Outcomes of assessment of the inherent and residual risk profile by supervisory authorities of all credit and financial institutions that meet the criteria of Article 12(1), as well as the outcomes of **consolidated information from selected and non-selected obliged entities that might be relevant for benchmarking purposes in the risk assessment process carried out** by AMLA pursuant **referred to in Articles 12, and 13, or for other supervisory purposes;**

(f) **[outcomes and reports of thematic reviews and other horizontal** results from supervisory ~~inspections of files concerning politically exposed persons~~ **actions with regard to high-risk areas or activities including PEPs,** their family members and their associates;]

(g) ~~statistical~~ information regarding performed supervisory activities over the past calendar year, ~~including the number of off-site and on-site inspections collected pursuant to article 31(6a) of Directive [please insert AMLD];~~

(h) statistical information about staffing and other resources of **public supervisors and supervisory** authorities.

The information provided pursuant to this paragraph shall not include reference to specific suspicious transaction reported pursuant to article 50 AMLR.

[3. The Authority may request supervisory authorities to provide other information in addition to that referred to in paragraph 2. The supervisory authorities shall update any provided information **as soon as the update is necessary or on request of the Authority.**]

4. The Authority shall incorporate in the database any data or information relevant for the purposes of AML/CFT supervisory activities which is voluntarily provided by the non-AML/CFT authorities, as well as other national authorities and bodies competent for ensuring compliance with the requirements of Directive 2014/17/EU [Mortgage Credit Directive, reference to be replaced when the recast is published in OJ], Directive 2008/48/EC [Consumer Credit Directive], Directive (EU) 2015/2366 [PSD], Directive 2009/110/EC [e-money Directive], Directive 2009/138/EC [Solvency II], Directive 2014/65/EU [Mifid II], and Regulation [MiCA], Directive 2014/56/EU [Audit Directive], Regulation (EU) No 537/2014 [Audit Regulation], as well as the European Supervisory Authorities.

The information referred to in the first subparagraph shall include instances where the aforementioned authorities have reasonable grounds to suspect that money laundering is being attempted or committed or existence of an increased risk thereof in connection with an obliged entity, and where such reasonable grounds arise in the context of the exercise of their respective tasks. With respect to the authorities or bodies that supervise credit institutions in accordance with Directive (EU) 2013/36, including the ECB acting in accordance with Council Regulation (EU) 1024/2013], the database shall include relevant information obtained by such authorities in the context of on-going supervision including business model assessments, assessments of governance arrangements, authorisation procedures, assessment of acquisitions of qualifying holdings, fit and proper assessments and procedures related to the withdrawal of licenses.

5. Any supervisory authority ~~or~~ any non-AML authority, ~~as well as other national authorities and bodies competent for ensuring compliance with the requirements of Directive 2014/17/EU [Mortgage Credit Directive, reference to be replaced when the recast is published in OJ], Directive 2008/48/EC [Consumer Credit Directive], Directive (EU) 2015/2366 [PSD], Directive 2009/110/EC [e-money Directive], Directive 2009/138/EC [Solvency II], Directive 2014/65/EU [Mifid II], and Regulation [MiCA], Directive 2014/56/EU [Audit Directive], Regulation (EU) No 537/2014 [Audit Regulation], or the European Supervisory Authorities~~ may address to the Authority a reasoned request for information collected pursuant to ~~paragraph 2~~ this Article that is ~~relevant~~ necessary for its supervisory activities. The Authority shall assess those requests and provide the information requested ~~by the supervisory authorities or non-AML authorities~~ on a need-to-know basis and confidential basis and in a timely manner. ~~The Authority may also share information from the database on its own initiative with the aforementioned authorities for the purposes of facilitating their respective activities.~~ The Authority shall inform the authority that has initially provided the requested information, of the identity of the requesting supervisory or other authority, the identity of an obliged entity concerned, the reason for the information request as well as whether the information has been provided to the requesting authority. Where the Authority decides not to provide the requested information, it shall provide a reasoned justification for that decision.

6. The Authority shall develop a draft regulatory technical standard specifying:

(i) the data to be transmitted by supervisory authorities as well as the transmission procedure, formats and timelines for collection of information;

(i) the scope and level of detail of information to be transmitted This draft regulatory technical standard shall taking into account any relevant distinction between obliged entities, such as their risk profile,

(iii) the scope and level of detail of information to be transmitted in relation to obliged entities in particular in the non-financial sector, their exposure to risk as well as the tasks of the Authority on those obliged entities;

(iv) The regulatory technical standard referred to in paragraph 2 shall also specify the type of information whose dissemination by the Authority, pursuant to a reasoned request or at its own initiative, requires a prior approval of the supervisory authority that originated it.

The Authority shall submit the draft regulatory technical standards to the Commission by [18 months after the date of entry into force of this Regulation].

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

7. [Personal data collected in accordance with this Article may be kept in an identifiable form for a period of up to 10 years after the date of collection of the data by the Authority, at the end of which the personal data shall be deleted. Based on a regular assessment of their necessity, personal data may be deleted before the expiry of that period on a case-by-case basis.]

Article X (transitional arrangements, same article as for 12-13)

X. For the purposes of ~~paragraph 1 of this~~ establishing and maintaining the database referred to in Article 11, the Authority shall conclude a bilateral agreement with the European Banking Authority on access to, as well as the financing and the joint management of, the ~~take over the central~~ AML/CFT database established in accordance with Article 9a of Regulation EU (No) 1093/2010 (EuReCA). The arrangement shall be established for a mutually agreed period of time which can be extended until no later than [2,5 years] after entry into force of this Regulation.

During this period, ~~and shall become the owner of its content and the technical system operating EuReCA. With a view to ensuring a smooth transition until such time as the Authority is operationally in a position to fully take over and keep the EuReCA database up to date, the European Banking Authority shall at least be able to continue receiving information, analysing it and making it available in accordance with Article 9a of Regulation EU (No) 1093/2010 or in accordance with this Regulation on behalf of the Authority and based on the financing made available by the Authority for this purpose. until [insert date dd.mm.yyyy corresponding to 18 months after date of entry into force].~~

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b. Article 11 - 4CT

204	Article 11 Central AML/CFT database	Article 11 Central AML/CFT database	Article 11 Central AML/CFT database	Article 11 Central AML/CFT database Text Origin: Commission Proposal
Article 11(1)				
205	1. The Authority shall establish and keep up to date a central database of information collected pursuant to paragraph 2. The Authority shall analyse the information received and ensure that it is made available to supervisory authorities on a need-to-know and confidential basis. The Authority may share the results of its analysis on its own initiative with	1. The Authority shall establish and keep up to date a central database of information collected pursuant to paragraph 2 <u>and paragraph 5</u> . The Authority shall analyse the information received and ensure that it is made available to supervisory authorities, <u>non-AML/CFT authorities as well as other national authorities and bodies competent for ensuring</u>	1. The Authority shall establish and keep up to date a central database of information collected pursuant to paragraph 2 <u>this Article</u> . The Authority shall analyse the information received and ensure that it is made available to supervisory authorities <u>and non-AML/CFT authorities as well as other national authorities and bodies competent for ensuring</u>	1. The Authority shall establish and keep up to date a central database of information collected pursuant to paragraph 2 <u>this Article</u> . <u>The database shall include the information stemming from the activities of Authority in the area of direct supervision which corresponds to the categories of information collected from supervisory authorities listed in this Article. The</u>

Commented [REDACTED]: EP has pointed out that it wasn't clear that AMLA's *own* supervisory data (decisions, sanctions etc) is incorporated and shared.

This was always the intention, as this is a tool for supervisory systems and AMLA own direct supervision data is just as relevant, especially given that the scope of direct supervision is fluctuating so continuity and availability of supervisory history is key (e.g. for an entity that was supervised by AMLA but goes back to national level).

EP is right that it was not clear from the drafting though, hence the suggestion - the exact same data corresponding to same categories, and exact same rules apply on sharing it.

supervisory authorities for the purposes of facilitating their supervisory activities.

compliance with the requirements of Directive 2014/17/EU [consumer credit directive], Directive (EU) 2015/2366 [PSD], Directive 2009/110/EC [e-money Directive], Directive 2009/138/EC [Solvency II], Directive 2014/65/EU [Mifid II], and Regulation [MiCA] on a need-to-know and confidential basis. The Authority may share the information obtained or the results of its analysis on its own initiative with supervisory authorities for the purposes of facilitating their supervisory activities.

compliance with Directive 2014/17/EU [consumer credit directive], Directive (EU) 2015/2366 [PSD], Directive 2009/110/EC [e-money Directive], Directive 2009/138/EC [Solvency II], Directive 2014/65/EU [Mifid II], and Regulation [MiCA] and to the European Supervisory Authorities, on a need-to-know and confidential basis. The Authority may share the results of its analysis and inspections on its own initiative with supervisory authorities, including non-AML/CFT authorities, for the purposes of facilitating their supervisory activities.

Authority shall analyse the information received and ensure that the collected information is made available to supervisory authorities, ~~and non-AML/CFT authorities, as well as other national authorities and bodies competent for ensuring compliance with Directive 2014/17/EU [Mortgage Credit Directive, reference to be replaced when the recast is published in OJ], Directive 2008/48/EC [Consumer Credit Directive], Directive (EU) 2015/2366 [PSD], Directive 2009/110/EC [e-money Directive], Directive 2009/138/EC [Solvency II], Directive 2014/65/EU [Mifid II], and Regulation [MiCA], Directive 2014/56/EU [Audit Directive], Regulation (EU) No 537/2014 [Audit Regulation], [and to the European Supervisory Authorities],~~ on a need-to-know and confidential basis.

Commented [REDACTED]: This was a source of a bit of confusion below

We have two things: raw data/info collected, which can be shared on request or otherwise made available by AMLA on a need-to-know basis

AMLA tasked with *analysing* the data collected and sharing the results of it's *analysis* with aml supervisors only

The analysis will be some insights into horizontal AML issues across entities (actually what EP suggests down below in terms of "consolidated info"), maybe some aggregated data, all necessarily AML, so we don't need all kinds of other authorities who may need more raw data about a specific entity just cause they supervise it

So the analysis bit and sharing it comes explicitly below

Commented [REDACTED]: Editorial, we have multiple categories, no need for "and" in between

Commented [REDACTED]: Editorial, we have ESAs as well below

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The Authority shall also analyse the collected information and may share the results of its analysis ~~and inspections~~ on its own initiative with supervisory authorities, ~~including relevant non-AML/CFT authorities,~~ for the purposes of facilitating their supervisory activities, and where relevant, with obliged entities.

Mortgage credit directive and consumer credit directive to be covered.

CONS to revert EC to revert

Text Origin: EP Mandate

TM25 05102023

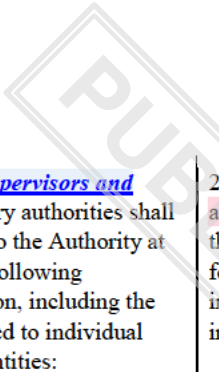
Commented [REDACTED]: Transferred from below just to be clear that it's distinct obligation, and analyses are gonna be relevant only for AML community

Commented [REDACTED]: We don't need this anymore, we are clear that AMLA is under the same obligations of incorporating own data above

Commented [REDACTED]: We don't need this anymore cause now we are only talking about sharing AML analysis not raw data which can be relevant for other supervisors of the same entity

Commented [REDACTED]: Suggestion following line 214g

Article 11(2)				
206				



	2. The supervisory authorities shall transmit to the Authority at least the following information, including the data related to individual obliged entities:	2. The supervisory authorities shall transmit to the Authority <i>at least</i> the following information, including the data related to individual obliged entities:	2. The <u>supervisors and</u> supervisory authorities shall transmit to the Authority at least the following information, including the data related to individual obliged entities:	2. The supervisory authorities shall transmit to the Authority [at least] the following information, including the data related to individual obliged entities: EC to revert TM25 05102023
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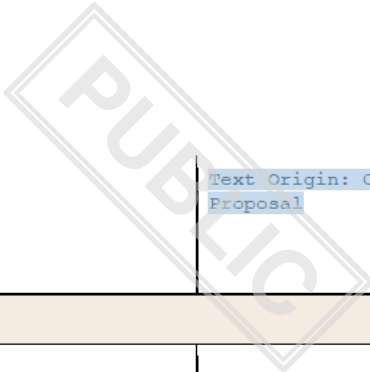
Commented [redacted]: We agree that info from SRBs would be equally relevant, and as a solution we suggest to include an obligation on the supervisory authorities to collect the information from SRBs where they do not possess it and transmit it to AMLA. In that way, we avoid direct obligations on SRBs here but keep the principle, because this is a horizontal article.

The relevant obligation is included below.

Commented [redacted] For PT discussion

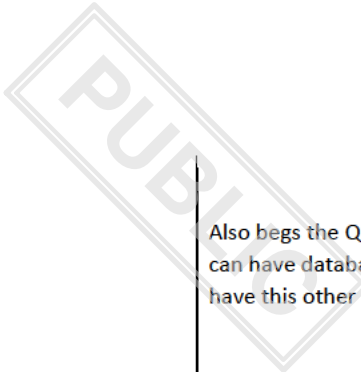
Article 11(2), point (a)

207	(a) a list of all supervisory authorities and self-regulatory bodies entrusted with supervision of obliged entities, including information about their mandate, tasks and powers;	(a) a list of all supervisory authorities and self-regulatory bodies entrusted with supervision of obliged entities, including information about their mandate, tasks and powers;	(a) a list of all supervisory authorities and self-regulatory bodies entrusted with supervision of obliged entities, including information about their mandate, tasks and powers;	(a) a list of all supervisory authorities and self-regulatory bodies entrusted with supervision of obliged entities, including information about their mandate, tasks and powers and where applicable the identification of the leading supervisor or coordination mechanism;
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Text Origin: Commission
Proposal

Article 11(2), point (b)				
208	(b) statistical information about the type and number of supervised obliged entities in each Member State and basic information about the risk profile;	(b) statistical information about the type and number of supervised obliged entities in each Member State and basic information about the risk profile;	(b) statistical information about the type and number of supervised obliged entities in each Member State and basic information about the risk profile;	(b) statistical information about the type categories and number of supervised obliged entities in each Member State and basic information about the risk profile; Text Origin: Commission Proposal
Article 11(2), point (ba)				
208a			<u>(ba) the information included in the common regulatory templates submitted by selected and non-selected obliged entities;</u>	As explained, it's best not to require to incorporate it here because we are forcing to merge the two tools one of which (AML-IMAS) will necessarily come later)



Also begs the Q whether we can have database until we have this other platform

AMLA will be free to merge them when she has both

linked to EC proposal for a new paragraph 2a under article 8 on templates and formats.

EC to revert

TM25 05102023

Article 11(2), point (c)				
209	(c) binding measures and sanctions taken in the course of supervision of individual obliged entities;	(c) binding measures and sanctions taken in the course of supervision of individual obliged entities <u>in response to serious, systematic or</u>	(c) binding measures and sanctions taken in the course of supervision of individual obliged entities;	(c) binding administrative measures taken and pecuniary sanctions imposed taken in the course of supervision of individual obliged entities <u>in response to serious, systematic or</u>

Commented [redacted] The original problem of the Council with this drafting was that "binding measures" could be too broad cause in some countries on-site inspection order is a binding measure

But now we have a clear and aligned drafting on admin measures and pecuniary sanctions across AMLD and AMLA, so we can just use that

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		<u>repeated breach of AML/CFT requirements;</u>	<u>repeated breach of AML/CFT requirements,</u> accompanied by: (i) reasoning relating to the grounds for imposition of the administrative measure or pecuniary sanction, such as the nature of the breach; (ii) related information on supervisory activities and outcomes leading to imposition of the administrative measure or pecuniary sanction/;	
Article 11(2), point (ca)				
209a				

Commented [REDACTED]: For political discussion

This makes a huge difference in scope, cause the vast majority of cases for admin measures would be not the grave breaches for which you have a fine

We think EBA database is broader as well, although they do talk of material weaknesses

But material weakness is not the same as serious, systematic or repeated breach

Of note, AMLA can set this threshold in the RTS, specifying what admin measures should be incorporated

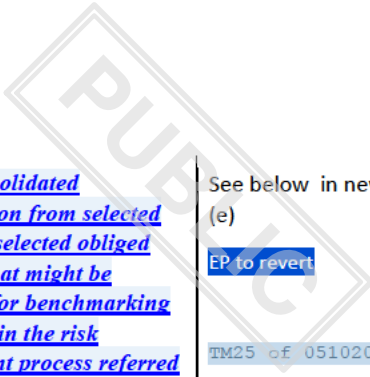
Commented [REDACTED]: This covers lines 214 c to f included insofar as they relate to AML supervisors

Commented [REDACTED]: This is to address EP concern that the info here is not the same as what supervisors will have to publish in accordance with the disclosure requirements (ie not just "a fine of [this much] for breaches of [CDD Articles]""

Commented [REDACTED]: Integrated from (e)below, where we could not agree on the scope of the outcomes and reports - here they are put int the context of supervisory measures imposed

Horizontal level

TM25 05102023



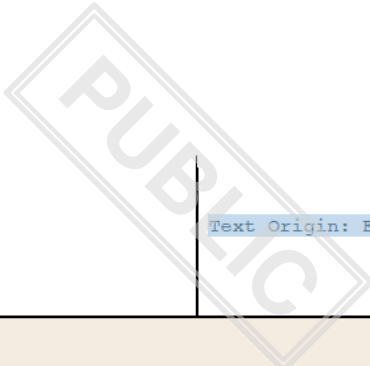
			<p>(ca) consolidated information from selected and non-selected obliged entities that might be relevant for benchmarking purposes in the risk assessment process referred to in Articles 12 and 13, or for other supervisory purposes;</p>	<p>See below in new version of (e)</p> <p>EP to revert</p> <p>TM25 of 05102023</p>
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Article 11(2), point (d)

210	<p>(d) any advice provided to other national authorities in relation to authorisation procedures, withdrawal of authorisation procedures, and fit and proper assessments of shareholders or members of the management body of individual obliged entities;</p>	<p>(d) any advice provided to other national authorities in relation to authorisation procedures, withdrawal of authorisation procedures, and fit and proper assessments of shareholders or members of the management body of individual obliged entities; deleted</p>	<p>(d) any advice provided to other national authorities in relation to authorisation procedures, withdrawal of authorisation procedures, and fit and proper assessments of shareholders or members of the management body of individual obliged entities;</p>	<p>(d) any advice or opinion related to ML/TF risks provided to other national authorities in relation to authorisation procedures, withdrawal of authorisation procedures, and fit and proper assessments of shareholders or members of the management body of individual obliged entities;</p> <p>Link to the issue of access rights</p>
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Commented [redacted]: For political discussion,

we just clarified a bit that it's the formal input in those procedures where AML supervisor has to assess the ML/TF risks related to a particular acquisition or fit and proper assessment, or where it requests a licence withdrawal on the basis of ML/TF risks



Text Origin: EP Mandate

Article 11(2), point (e)				
211	(e) reports on outcomes of supervisory activities;	(e) reports on outcomes <u>outcomes and measures taken in the course</u> of supervisory activities;	(e) reports on outcomes of supervisory activities;	(e) reports on outcomes of supervisory activities; (e) Outcomes of assessment of the inherent and residual risk profile by supervisory authorities of all credit and financial institutions that meet the criteria of Article 12(1), as well as the outcomes of <u>consolidated information from selected and non-selected obliged entities that might be relevant for benchmarking purposes in the risk assessment process carried out</u> by AMLA pursuant <u>referred to in Articles 12.</u> <u>and 13, or for other supervisory purposes;</u>

Commented [REDACTED]: Covered in (c) above

Commented [REDACTED]: Also linked to line 216a

Commented [REDACTED]: This is quite different from EP's suggestion, but it's inspired by it

As a reminder, we had discussed whether any data would be relevant for the purposes of periodic assessments. In general any raw data from OEs collected in each assessment will become outdated after it has been used for assessment cause it's a business data and next time around you need to ask for fresh data

However, what *is* going to be relevant, is simply having a record of assessment of inherent and residual risk profile based on that past data of all the entities in the assessment universe, on a regular basis. You will then see both an evolution of risk profile as well as evolution (if any) of supervisory approach to its assessment.

Normally the risk assessment is yearly, at least for entities of medium to high risk, so before starting each assessment AMLA will have a record of what was the risk profile of the assessed entities as judged by national supervisors over the last two years prior to its assessment. If the underlying business/inherent risk has not changed, and the residual risk assessment is different from what AMLA arrives to based on methodology, that would be very interesting and very informative for all kinds of indirect supervision activities.

In general, just having a clue on the risk profile of individual OEs, at least those that would be assessed for direct supervision (but wouldn't hurt for all OEs), would be very useful to have throughout the system, for AMLA and others.

We can extend this req to all or larger subset of entities

PUBLIC

wording to be aligned depending on horizontal provisions - art 20/21
 EP proposal to be more specific regarding underlying information from supervisory activities to be included in the AML database

EC to revert

Text Origin: Commission Proposal

TM 26 06/10/2023

Article 11(2), point (f)				
212	(f) results from supervisory inspections of files concerning politically exposed persons, their family members and their associates;	(f) results from supervisory inspections of files concerning politically exposed persons, their family members and their associates; <u>deleted</u>	(f) results from supervisory inspections of files concerning politically exposed persons, their family members and their associates;	(f) <u>outcomes and reports of thematic reviews and other horizontal</u> results from supervisory inspections of files concerning politically exposed persons <u>actions with regard to high-risk areas or</u>

Commented [redacted]: What we suggest here is to incorporate any outcomes of horizontal actions such as local thematic reviews in high risk areas

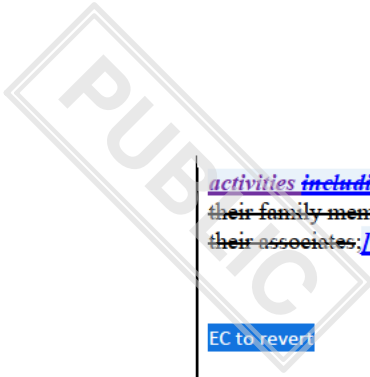
Actually that's what we initially had in mind with PEPs - this was not about individual OE outcomes

This will add value and be clearly a distinct data category

Thematic supervision is actually widely used and the outcomes are very insightful and could be useful for AMLA (e.g. also for thematic review planning)

We also suggest to indeed avoid reference to PEPs specifically

E.g. one authority has done a recent thematic review of ML/TF risks related to corruption - there was a considerable share of PEP relevance but not only



~~activities including PEPs, their family members and their associates;~~

EC to revert

Text Origin: Commission Proposal

Article 11(2), point (g)

213

(g) statistical information regarding performed supervisory activities over the past calendar year, including the number of off-site and on-site inspections;

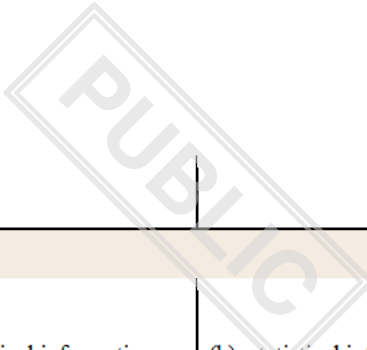
(g) statistical information regarding performed supervisory activities over the past calendar year, ~~including the number of off-site and on-site inspections;~~

(g) statistical information regarding performed supervisory activities over the past calendar year, including the number of off-site and on-site inspections;

(g) ~~statistical~~ information regarding performed supervisory activities over the past calendar year, ~~including the number of off-site and on-site inspections~~ collected pursuant to article 31(6a) of Directive [please insert AMLD];

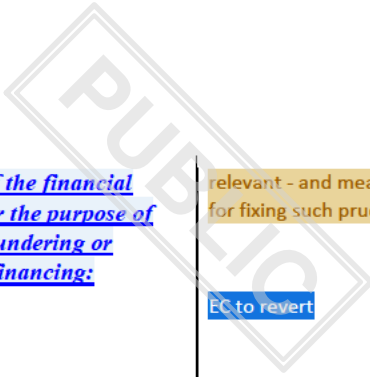
Text Origin: EP Mandate

TM 26 06/10/2023



Article 11(2), point (h)				
214	(h) statistical information about staffing and other resources of public authorities.	(h) statistical information about staffing and other resources of public <u>supervisors and supervisory</u> authorities.	(h) statistical information about staffing and other resources of public authorities.:	(h) statistical information about staffing and other resources of public <u>supervisors and supervisory</u> authorities. Text Origin: Council Mandate TM 26 06/10/2023
Article 11(2), point (ha)				
214a			<u>(ha) information from competent authorities relating to weaknesses identified during supervision and authorisation procedures in the processes and procedures, governance arrangements, fitness and propriety, acquisition of</u>	Integrated below in dedicated para for non-AML authorities link to paragraph 5 Objective is to match data from prudential supervisors Assumption is that for AML/CFT supervisors, such

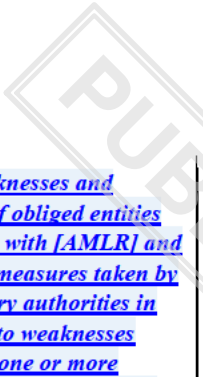
			<p><u>qualifying holdings, business models and activities of financial sector operators in relation to preventing and countering money laundering and terrorist financing;</u></p>	<p>information is covered under line 209 and 211 (to be further checked depending on final drafting)</p> <p>EC to revert</p> <p>TM 26 06/10/2023</p>
Article 11(2), point (hb)				
214b			<p><u>(hb) measures taken by competent authorities in response to the following weaknesses affecting one or more requirements of the legislative acts referred to in Article 1(2) of this Regulation, Article 1(2) of Regulation (EU) No 1094/2010 and Article 1(2) of Regulation (EU) No 1095/2010 and of any national laws transposing them with regard to preventing or countering</u></p>	<p>Ibidem - Integrated below in dedicated para for non-AML authorities and above in 2(c) line 209 insofar as it relates to AML supervisors</p> <p>link to paragraph 5</p> <p>dedicated to non-AML authorities</p> <p>Possible interest to cover instances identifying potential breaches of other requirements which are AML</p>



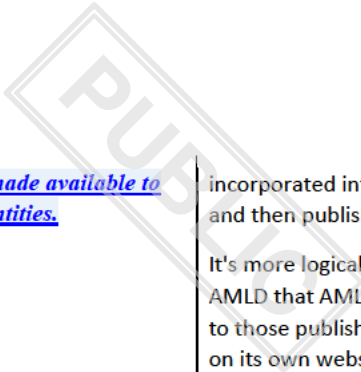
			<p><u>the use of the financial system for the purpose of money laundering or terrorist financing:</u></p>	<p>relevant - and measures taken for fixing such prudential issues</p> <p>EC to revert</p> <p>TM 26 06/10/2023</p>
Article 11(2), point (hb)(a)				
214c			<p><u>(a) a breach or a potential breach by a financial sector operator of such requirements,</u></p>	<p>(a) covered in 2(c) insofar as it relates to AML supervisor</p> <p>for AML supervisors, covered by line 209 and 211</p> <p>EC to revert</p> <p>Text Origin: EP Mandate</p> <p>TM 26 06/10/2023</p>

PUBLIC

Article 11(2), point (hb)(a)				
214d			<u>(b) the inappropriate or ineffective application by a financial sector operator of such requirements, or</u>	Ibidem – this is a breach EC to revert TM 26 06/10/2023
Article 11(2), point (hb)(a)				
214e			<u>(c) the inappropriate or ineffective application by a financial sector operator of its internal policies and procedures to comply with such requirements;</u>	Ibidem – this is also just a breach of particular reqs EC to revert TM 26 06/10/2023
Article 11(2), point (hb)(a)				
214f				



			<p><u>(hc) weaknesses and failures of obliged entities to comply with [AMLR] and with any measures taken by supervisory authorities in response to weaknesses affecting one or more requirements of [AMLR].</u></p>	<p>ibidem – weaknesses which trigger admin measures are breaches or potential breaches as we now describe in Art. 20 AMLAR and 39 AMLD</p> <p>Link to line 209 and 211</p> <p>EC to revert</p> <p>TM 26 06/10/2023</p>
<p>Article 11(2), point (hb)(a)</p>				
<p>214g</p>			<p><u>2a. The Authority shall publish the information collected pursuant to paragraph 2, points (a), (b), (g) and (h). A summary of non-confidential findings regarding the information collected pursuant to paragraph 2, points (c), (d), (e), (f), (ha), (hb) and (hc).</u></p>	<p>Everything in points (a), (b), (g) and (h) will also be covered by reports in Art. 31(6a) of AMLD which will be published by each supervisor. Also now point (h) refers directly to those reports which should be both published by supervisors and</p>



shall be made available to obliged entities.

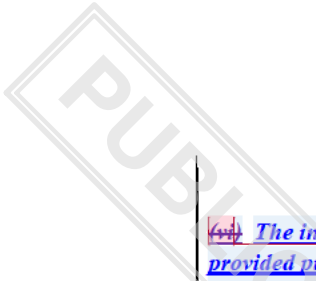
incorporated into database and then published again.

It's more logical to require in AMLD that AMLA has lines to those published reports on its own website.

On the second sentence, see suggestion in para 1. If you want some information for OEs which is aggregated/non-confidential but useful, that requires some analysis. Theoretically, if AMLA decides it's useful, it can make it available to OEs, but it's a bit hard to disseminate it to OEs which are not your own directly supervised ones.

EC to revert

TM 26 06/10/2023



214h

2a. The information provided pursuant to this paragraph shall not include reference to specific suspicious transaction reported pursuant to article 50 AMLR.

The Authority shall develop a draft regulatory technical standard specifying the data to be transmitted by supervisory authorities as well as the transmission procedure and timeline. This draft regulatory technical standard shall take into account any relevant distinction between obliged entities, in particular in the non-financial sector, their exposure to risk as well as the tasks of the Authority on those obliged entities.

~~(44)~~ The information provided pursuant to this paragraph shall not include reference to specific suspicious transaction reported pursuant to article 50 AMLR.

- RTS to be discussed later, when at the end of the article

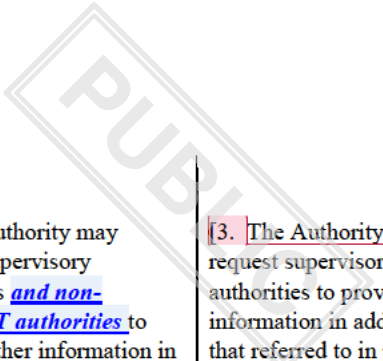
- open list necessary to cover information provided by the FIU to AML supervisors as provided in AMLD

Text Origin: Council Mandate

TM 26 06/10/2023

We suggest to have RTS mandate at the end of the Article, and make it broad and flexible enough to specify any relevant details

Commented [redacted]: Editorial
This will just be a separate sub-paragraph



3. The Authority may request supervisory authorities to provide other information in addition to that referred to in paragraph 2. The supervisory authorities shall update any provided information.

3. The regulatory technical standard referred to in paragraph 2 shall also specify the information whose dissemination by the Authority, pursuant to a reasoned request or at its own initiative, requires a prior approval of the supervisory authority that originated it.

The Authority shall submit the draft regulatory technical standards to the Commission by eighteen months after the entry into force of this regulation.

The Commission is empowered to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Article 38 of this Regulation.
~~the Authority may request supervisory authorities to~~

3. The Authority may request supervisory authorities and non-AML/CFT authorities to provide other information in addition to that referred to in paragraph 2. In response to the Authority's request, the supervisory authorities or the non-AML/CFT authorities shall update any information previously provided ~~information by~~ them.

[3. The Authority may request supervisory authorities to provide other information in addition to that referred to in paragraph 2. The supervisory authorities shall update any provided information as soon as the update is necessary or on request of the Authority.]

For article 38 AMLD:

New indent (da) and insertion in para 2:

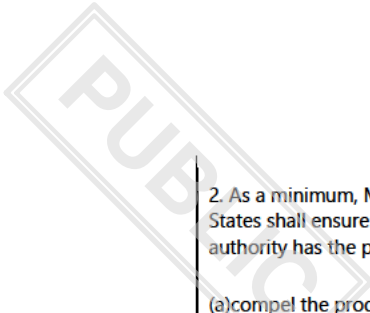
The authority overseeing self-regulatory bodies shall be responsible for:

(da) transmitting to AMLA information listed in Article 11 of Regulation [AMLAR] that is in possession of self-regulatory body

Commented [REDACTED]: For political discussion

In terms of scope, we think only original scope is feasible - it's hard to imagine AMLA being able to ask a banking supervisor or resolution authority to provide smth specific, because it doesn't know a priori what to ask for - it's prudential/resolution info that might be relevant (but that's up to prudential/resolution authority to judge), plus we cannot envisage asking for prudential/resolution/DGS data

Commented [REDACTED]: Covering partly EP suggestion if we understand it correctly



		<p><i>provide other information in addition to that referred to in paragraph 2. The supervisory authorities shall update any provided information.</i></p>		<p>2. As a minimum, Member States shall ensure that the authority has the power to:</p> <p>(a) compel the production of any information that is relevant to monitoring compliance and performing checks and to submit information to AMLA pursuant to Article 11 of Regulation [AMLAR],</p> <p>RTS to be discussed later, when at the end of the article</p> <p>TM 26 06/10/2023</p>
Article 11(2a), (3) a				
215a			<p><u>Non-AML/CFT authorities, as well as other national authorities and bodies competent for ensuring compliance with the requirements of Directive 2014/17/EU [consumer credit directive], Directive</u></p>	<p><u>§. 4. The Authority shall incorporate in the database any data or information relevant for the purposes of AML/CFT supervisory activities which is voluntarily provided by the non-AML/CFT authorities, as well as other national</u></p>

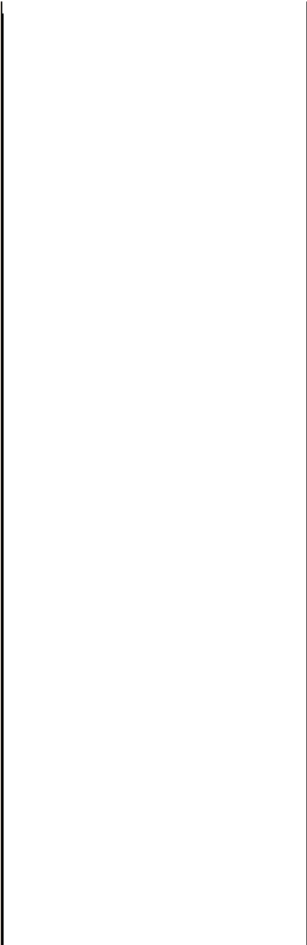
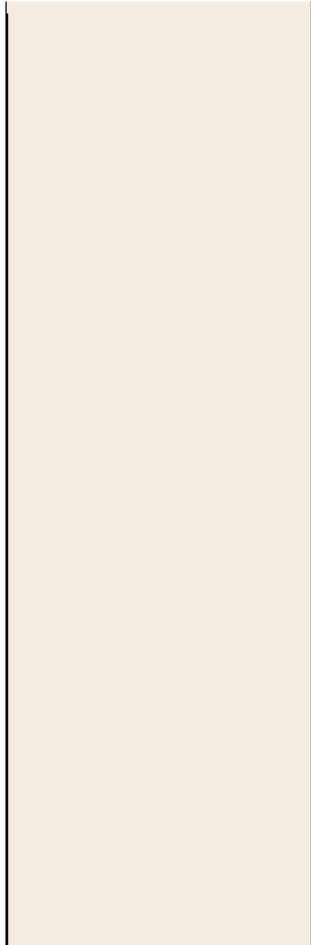
Commented [redacted]: As we had mentioned in the council, not necessary, it's implied but we have an interest in some moral suasion

(EU) 2015/2366 [PSD], Directive 2009/110/EC [e-money Directive], Directive 2009/138/EC [Solvency II], Directive 2014/65/EU [Mifid II], and Regulation [MiCA] and the European Supervisory Authorities, shall transmit to the Authority information relating to weaknesses identified during ongoing supervision and authorisation procedures in the processes and procedures, governance arrangements, fitness and propriety, acquisition of qualifying holdings, business models and activities of credit and financial institutions as defined in Article 2 of [AMLR] in relation to preventing and countering money laundering and terrorist financing as well as measures taken by those authorities, in response to material weaknesses affecting one or more requirements of the

authorities and bodies competent for ensuring compliance with the requirements of Directive 2014/17/EU [Mortgage Credit Directive, reference to be replaced when the recast is published in OJ], Directive 2008/48/EC [Consumer Credit Directive], Directive (EU) 2015/2366 [PSD], Directive 2009/110/EC [e-money Directive], Directive 2009/138/EC [Solvency II], Directive 2014/65/EU [Mifid II], and Regulation [MiCA], Directive 2014/56/EU [Audit Directive], Regulation (EU) No 537/2014 [Audit Regulation], as well as the European Supervisory Authorities.

The information referred to in the first subparagraph shall include instances where the aforementioned authorities have reasonable grounds to suspect that money laundering is being

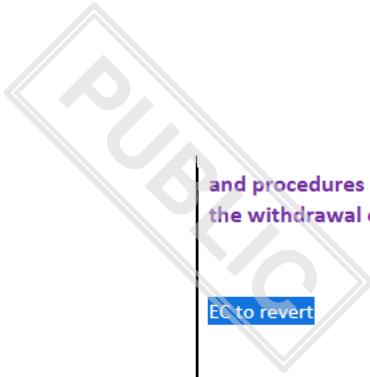
Commented [redacted]: If we mention them in para 1 they have to be here, otherwise why are they in para 1 (that was EP suggestion)



legislative acts referred to in Article 1(2) of Regulation EU (No) 1093/2010, Article 1(2) of Regulation (EU) No 1094/2010 and Article 1(2) of Regulation (EU) No 1095/2010 and of any national laws transposing them, respectively, with regard to the institution's ability to tackle ML/TF risks effectively, and as such, the integrity and transparency of the financial system of the Union.

attempted or committed or existence of an increased risk thereof in connection with an obliged entity, and where such reasonable grounds arise in the context of the exercise of their respective tasks. With respect to the authorities or bodies that supervise credit institutions in accordance with Directive (EU) 2013/36, including the ECB acting in accordance with Council Regulation (EU) 1024/2013, the database shall include relevant information obtained by such authorities in the context of on-going supervision including business model assessments, assessments of governance arrangements, authorisation procedures, assessment of acquisitions of qualifying holdings, fit and proper assessments

Commented [REDACTED]: This is verbatim wording on AML relevance from CRD and a few other fin sector acts



and procedures related to the withdrawal of licenses.

EC to revert

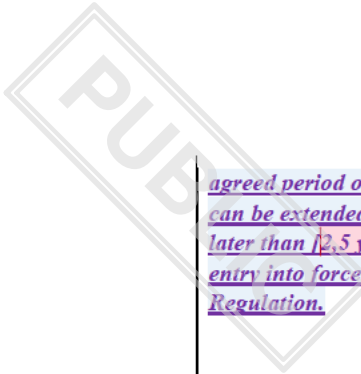
T/M 26 06/10/2023

Article 11(2b)				
215b			<p><u>Non-AML/CFT authorities may share with the Authority any additional information, within the boundaries of their mandates and tasks, deemed relevant to the prevention and countering of money laundering or terrorist financing.</u></p>	<p>The wording above is wide enough and follows the logic and wording of AML relevance in their respective areas.</p> <p>T/M 26 06/10/2023</p>
Article 11(2c), first subparagraph				
215c				

3a. For the purposes of paragraph 1 of this Article, the Authority shall take over the central AML/CFT database established in accordance with Article 9a of Regulation EU (No) 1093/2010 (EuReCA) and shall become the owner of its content and the technical system operating EuReCA.

Separate transitional provision outside this article. transitional arrangements is a generic article, so basically it will be in the same one as the transitionals for 12-13, just separate para and has to be clear what it relates to. Here's what we propose:

X. X. For the purposes of paragraph 1 of this establishing and maintaining the database referred to in Article 11, the Authority shall conclude a bilateral agreement with the European Banking Authority on access to, as well as the financing and the joint management of, the take over the central AML/CFT database established in accordance with Article 9a of Regulation EU (No) 1093/2010 (EuReCA). The arrangement shall be established for a mutually



agreed period of time which can be extended until no later than 2,5 years after entry into force of this Regulation.

EC to prepare Drafting for transitional provisions at the end of the Regulation

Deadlines to be reviewed to ensure there is a 1-year overlap for EBA/AMLA management of the database to ensure proper hand over

EC to revert

TM 26 06/10/2023

Commented [redacted]: 2,5 years instead of 18 months because:
1) We already have a year of mandates overlap where EBA will have the database and the money still, so no issue
2) the RTS ddl for Art. 11 is 18 months. So that plus at least 6 months for COM endorsement - which makes 2 full years before AMLA has any legal framework for its new database, plus delays with RTS (like with the current one), and AMLA will have a problem

Article 11(3a), second subparagraph

215d

PUBLIC

With a view to ensuring a smooth transition until such time as the Authority is operationally in a position to fully take over and keep the EuReCA database up to date, the European Banking Authority shall continue receiving information, analysing it and making it available in accordance with Article 9a of Regulation EU (No) 1093/2010 until finsert date dd.mm.yyyy corresponding to 18 months after date of entry into force].

During this period, and shall become the owner of its content and the technical system operating EuReCA. With a view to ensuring a smooth transition until such time as the Authority is operationally in a position to fully take over and keep the EuReCA database up to date, the European Banking Authority shall at least be able to continue receiving information, analysing it and making it available in accordance with Article 9a of Regulation EU (No) 1093/2010 or in accordance with this Regulation on behalf of the Authority and based on the financing made available by the Authority for this purpose. until finsert date dd.mm.yyyy corresponding to 18 months after date of entry into force].

EC to revert

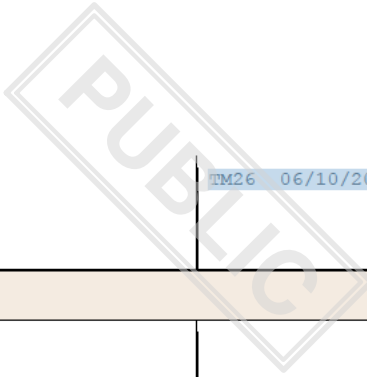
Commented [redacted]: We explained that content is data of supervisors and AMLA will not be the owner (cause neither is the EBA who claims to be a processor under GDPR) and ownership of IT might be more of a curse than a blessing, might be easier/cheaper/more logical to go for the different one as long as data can be preserved.

Commented [redacted]: This is recital language Not sure whether transitional need recitals, we think we can skip it, the purpose if obvious

Commented [redacted]: This it can do only as long as its own Regulation has that provision which we are deleting by this Reg
As do we remove the funding
So the problem is twofold - no legal basis no money everything at AMLA

Hence if we wish to make AMLA's life easier we could say that it delays the implementation of database and relies on EBA as service provider temporarily, so also collecting the data on its behalf and funding the maintenance.

Beyond that, we don't see what is helpful



Article 11(4)

216

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

4. Any supervisory authority, [non-AML/CFT authorities as well as other national authorities and bodies competent for ensuring compliance with the requirements of Directive 2014/17/EU \[consumer credit directive\], Directive \(EU\) 2015/2366 \[PSDI\], Directive 2009/110/EC \[e-money Directive\], Directive 2009/138/EC \[Solvency II\], Directive 2014/65/EU \[MiFid II\], and Regulation \[MiCA\], or any non-AML authority](#) may address to the Authority a reasoned request for information collected pursuant to paragraph 2 that is relevant for its supervisory activities. The Authority shall assess those requests and provide the information

4. Any supervisory authority ~~or~~, any non-AML authority, [as well as other national authorities and bodies competent for ensuring compliance with the requirements of Directive 2014/17/EU \[consumer credit directive\], Directive \(EU\) 2015/2366 \[PSDI\], Directive 2009/110/EC \[e-money Directive\], Directive 2009/138/EC \[Solvency II\], Directive 2014/65/EU \[MiFid II\], and Regulation \[MiCA\], or the European Supervisory Authorities](#) may address to the Authority a reasoned request for information collected pursuant to ~~paragraph 2~~ [this Article](#) that is relevant for its supervisory activities. The Authority shall assess those

4.5. Any supervisory authority ~~or~~, any non-AML authority, [as well as other national authorities and bodies competent for ensuring compliance with the requirements of Directive 2014/17/EU \[Mortgage Credit Directive\], reference to be replaced when the recast is published in OJ\], Directive 2008/48/EC \[Consumer Credit Directive\], Directive \(EU\) 2015/2366 \[PSDI\], Directive 2009/110/EC \[e-money Directive\], Directive 2009/138/EC \[Solvency II\], Directive 2014/65/EU \[MiFid II\], and Regulation \[MiCA\], Directive 2014/56/EU \[Audit Directive\], Regulation \(EU\) No 537/2014 \[Audit Regulation\], or the](#)

	<p>the information has been provided to the requesting authority.</p>	<p>requested by the supervisory authorities or non-AML/non-AML/CFT authorities on a need-to-know basis and confidential basis and in a timely manner. The Authority <u>may also share information obtained or the results of its analysis on its own initiative with the aforementioned authorities for the purposes of facilitating their respective activities.</u></p> <p><u>The Authority</u> shall inform the authority <u>or body</u> that has initially provided the requested information, of the identity of the requesting supervisory or other authority, the identity of an obliged entity concerned, the reason for the information request as well as whether the information has been provided to the requesting authority.</p>	<p>requests and provide the information requested by the supervisory authorities or non-AML authorities on a need-to-know basis and confidential basis and in a timely manner. The Authority shall inform the authority that has initially provided the requested information, of the identity of the requesting supervisory or other authority, the identity of an obliged entity concerned, the reason for the information request as well as whether the information has been provided to the requesting authority. <u>Where the Authority decides not to provide the requested information, it shall provide a reasoned justification for that decision.</u></p>	<p><u>European Supervisory Authorities</u> may address to the Authority a reasoned request for information collected pursuant to paragraph 2 <u>this Article</u> that is relevant for its supervisory activities. The Authority shall assess those requests and provide the information requested by the supervisory authorities or non-AML authorities on a need-to-know basis and confidential basis and in a timely manner. The Authority <u>may also share information from the database on its own initiative with the aforementioned authorities for the purposes of facilitating their respective activities. The Authority</u> shall inform the authority that has initially provided the requested information, of the identity of the requesting supervisory or other authority, the identity of an obliged entity concerned, the reason for the information request as well as whether</p>
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PUBLIC

the information has been provided to the requesting authority. *[Where the Authority decides not to provide the requested information, it shall provide a reasoned justification for that decision.]*

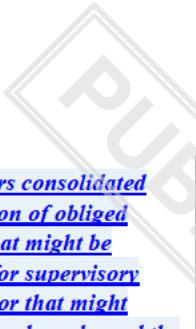
EC to propose redrafting
include a reference to the mortgage credit directive and consumer credit directive

EC to revert

Text Origin: EP Mandate

TM 28 20/10/2023

Article 11(4a)				
216a			<u><i>4a. The Authority shall make available to all</i></u>	The analysis of the data that can somehow be helpful we have now incorporated



supervisors consolidated information of obliged entities that might be relevant for supervisory purposes or that might inform benchmarks and the methodology for classification in the risk assessment process.

more explicitly in para 1, and for the risk assessment process, the relevant data is now in 2(e) – line 211

~~4a. [The Authority shall make available to all supervisors consolidated information of obliged entities that might be relevant for supervisory purposes or that might inform benchmarks and the methodology for classification in the risk assessment process.]~~

Redrafting by EC

EC to revert

Text Origin: EP Mandate

TM 28 20/10/2023

216b

4b. The Authority shall develop draft regulatory technical standards further specifying the weaknesses referred to in paragraph 2, points (ha), (hb) and (hc), including the corresponding situations where weaknesses may occur, the materiality of weaknesses and the practical implementation of the information collection by the Authority as well as the type of information that should be provided pursuant to those provisions. The Authority shall also specify the format, the transmission procedure and information included in the common regulatory templates referred to in paragraph 2, point (ba).

d. The Authority shall develop a draft regulatory technical standard specifying:

(i) the data to be transmitted by supervisory authorities as well as the transmission procedure, formats and timelines for collection of information;

(ii) the scope and level of detail of information to be transmitted. ~~This draft regulatory technical standard shall taking into account any relevant distinction between obliged entities, such as their risk profile.~~

(iii) the scope and level of detail of information to be transmitted in relation to obliged entities ~~in particular in the non-financial sector, their exposure to risk as well as the tasks of the Authority on those obliged entities;~~

Commented [redacted]: Based on Council drafting which is broader mandate, with elements from EP approach

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(iv) The regulatory technical standard referred to in paragraph 2 shall also specify the type of information whose dissemination by the Authority, pursuant to a reasoned request or at its own initiative, requires a prior approval of the supervisory authority that originated it.

4b. [The Authority shall develop draft regulatory technical standards further specifying the weaknesses referred to in paragraph 2, points (ha), (hb) and (hc), including the corresponding situations where weaknesses may occur, the materiality of weaknesses and the practical implementation of the information collection by the Authority as well as the type of information that should be provided pursuant to those provisions. The Authority

Commented [REDACTED] As discussed we substitute weaknesses with breaches and potential breaches the info on which should be included together with info on measures taken to address them in 2(c)

PUBLIC

shall also specify the format, the transmission procedure and information included in the common regulatory templates referred to in paragraph 2, point (b).]

EC to provide drafting combining Council (line 214h) and EP mandate. Scope of the RTS to be agreed

EC to revert

Text Origin: EP Mandate
TM28 20/10/2023

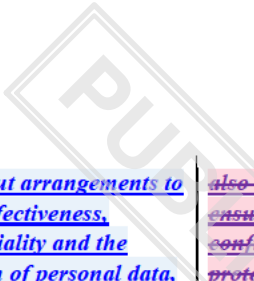
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Article 11(4b), second subparagraph

216c			<u>To that end, the Authority shall consider the volume of the information to be provided and the need to avoid duplication. It shall</u>	<u>For that end, the Authority shall consider the volume of the information to be provided and the need to avoid duplication. It shall</u>
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Commented [REDACTED] Incorporated above

Commented [REDACTED] That is a bit unclear - duplication with what? By definition, this info will be duplicated cause it will be available at AMLA in the database and at each supervisor that has supplied its portion



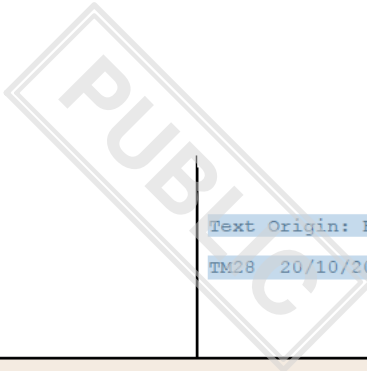
			<u>also set out arrangements to ensure effectiveness, confidentiality and the protection of personal data, specifying the data types and purposes for which personal data is processed and collected.</u>	<u>also set out arrangements to ensure effectiveness, confidentiality and the protection of personal data, specifying the data types and purposes for which personal data is processed and collected.</u> EC to redraft EC proposal: in a recital EC to revert Text Origin: EP Mandate
Article 11(4c)				
216d			<u>The Authority shall submit the draft regulatory technical standards to the Commission by [18 months after the date of entry into force of this Regulation].</u>	4c. <u>The Authority shall submit the draft regulatory technical standards to the Commission by [18 months after the date of entry into force of this Regulation].</u>

Commented [redacted]: This applies automatically depending on type of info and pursuant to GDPR

There has to be a data protection record for managing the database where you'd have all arrangements

That's separate from RTS and you can't have all the relevant arrangements described/pre-committed to in RTS, they are a matter of IT infrastructure not just law

Commented [redacted]: All this should be in the same para and hence same line



Text Origin: EP Mandate
TM28 20/10/2023

Article 11(4d)				
216e			<u><i>The Commission is empowered to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Article 38 of this Regulation.</i></u>	<u><i>4d. The Commission is empowered to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Article 38 of this Regulation.</i></u> Text Origin: EP Mandate TM 28 20/10/2023
Article 11(4e)				
216f			<u><i>4c. Personal data collected in accordance with this Article may be kept in an identifiable form for a</i></u>	<u><i>4e. 7. Personal data collected in accordance with this Article may be kept in an identifiable form for a</i></u>



period of up to 10 years after the date of collection of the data by the Authority, at the end of which the personal data shall be deleted. Based on a regular assessment of their necessity, personal data may be deleted before the expiry of that period on a case-by-case basis.

period of up to 10 years after the date of collection of the data by the Authority, at the end of which the personal data shall be deleted. Based on a regular assessment of their necessity, personal data may be deleted before the expiry of that period on a case-by-case basis.]

Commented [redacted]: We can confirm this is what currently applies to EuReCa

EC to consult its legal services, especially on the 10 years

Council to consult its legal services

EP followed draft RTS

EC to revert

Text Origin: EP Mandate

Article 11(4f)				
216g				

PUBLIC

5. The Authority shall incorporate in the database any data or information relevant for the purposes of AML/CFT supervisory activities which is voluntarily provided by the non-AML/CFT authorities as well as other national authorities and bodies competent for ensuring compliance with the requirements of Directive 2014/17/EU [consumer credit directive], Directive (EU) 2015/2366 [PSD], Directive 2009/110/EC [e-money Directive], Directive 2009/138/EC [Solvency II], Directive 2014/65/EU [MiFid II], and Regulation (MiCA).

~~46. [The Authority shall incorporate in the database any data or information relevant for the purposes of AML/CFT supervisory activities which is voluntarily provided by the non-AML/CFT authorities as well as other national authorities and bodies competent for ensuring compliance with the requirements of Directive 2014/17/EU [consumer credit directive], Directive (EU) 2015/2366 [PSD], Directive 2009/110/EC [e-money Directive], Directive 2009/138/EC [Solvency II], Directive 2014/65/EU [MiFid II], and Regulation (MiCA).]~~

related to line 215a, emphasis put here on voluntary basis

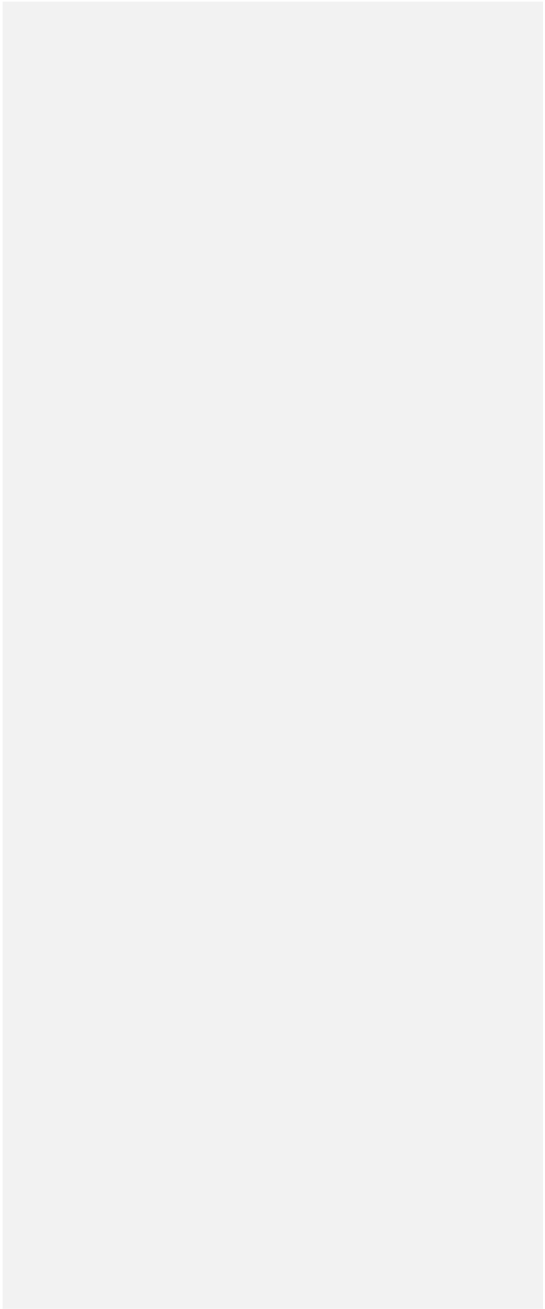
EC to incorporate while redrafting

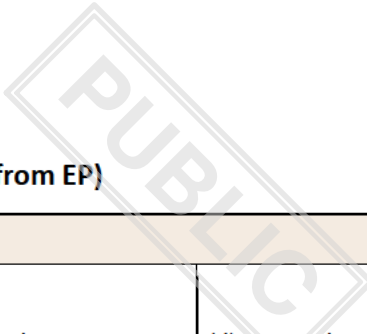
Commented [REDACTED]: Incorporated above

PUBLIC

EC to revert

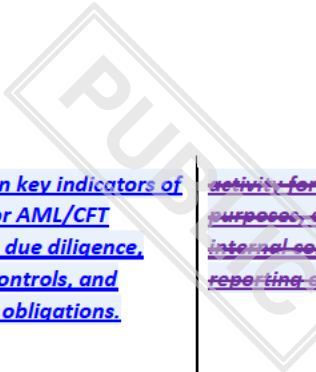
Text Origin: Council
Mandate





II. Article 8 (2a) Common reporting formats and templates (based on 44a from EP)

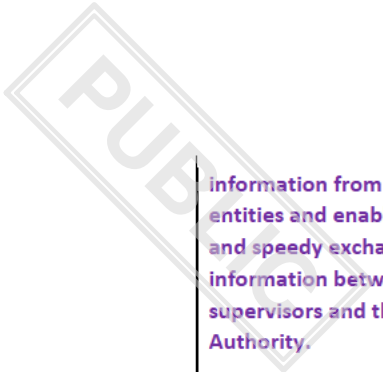
Article 8(2), point (d)				
177	(d) approaches to supervisory evaluation of risk factors inherent in, or related to, customers, business relationships, transactions and delivery channels of obliged entities, as well as geographical risk factors.	(d) approaches to supervisory evaluation of risk factors inherent in, or related to, customers, business relationships, transactions and delivery channels of obliged entities, as well as geographical risk factors.	(d) approaches to supervisory evaluation of risk factors inherent in, or related to, customers, business relationships, transactions and delivery channels of obliged entities, as well as geographical risk factors.	(d) approaches to supervisory evaluation of risk factors inherent in, or related to, customers, business relationships, transactions and delivery channels of obliged entities, as well as geographical risk factors. Text Origin: Commission Proposal
177a			<u>(da) the use and type of information contained in the common regulatory templates for selected and non-selected obliged entities, which are to be based on objective and comparable AML data</u>	<u>(da) the use and type of information contained in the common regulatory templates for selected and non-selected obliged entities, which are to be based on objective and comparable AML data focused on key indicators of</u>



			<p><u>focused on key indicators of activity for AML/CFT purposes, due diligence, internal controls, and reporting obligations.</u></p>	<p><u>activity for AML/CFT purposes, due diligence, internal controls, and reporting obligations.</u></p>
177b				<p>2a. The Authority shall develop structured questionnaires, templates, common reporting formats and other online or offline tools to be used by the Authority and supervisors for the purposes of requesting, collecting, compiling and analysing the data and information from the obliged entities, including the data to be relied upon in application of the elements of common supervisory methodology listed in paragraph 2.</p> <p>The tools developed by the Authority shall ensure collection of objective and comparable AML/CFT-related data and</p>

Commented [REDACTED]: New para after para 2 in Article 8

Commented [REDACTED]: We included these explicitly because some supervisory authorities have sophisticated online tools like this and some MS suggested them explicitly during Council negotiations.



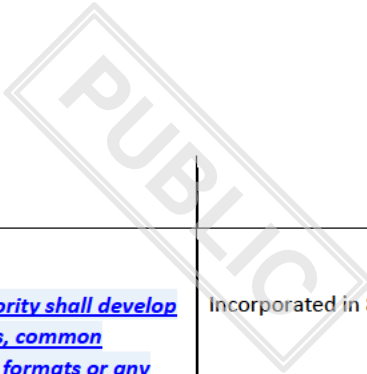
				<p>information from obliged entities and enable efficient and speedy exchange of information between supervisors and the Authority.</p> <p>The Authority shall endeavour to develop these tools as soon as the common supervisory methodology referred to in the first paragraph is in place and applicable across the entire AML/CFT supervisory system.</p>
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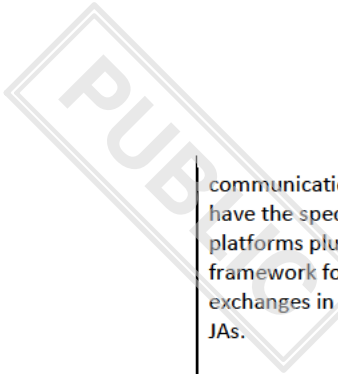
517a			<p><u>Article 44a</u></p> <p><u>Rules governing the format of information exchanges</u></p>	<p>COM to propose alternative wording covering exchange of information between AMLA and national supervisors, FIUs and SOEs, under this Reg.</p> <p>TM1 25/05/2023</p>
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Commented [redacted] We would like to add this sentence to make it clear that the development of the common reporting templates cannot precede existence of the common supervisory methodology, whereby all supervisory community has a harmonised approach to measuring AML/CFT risks

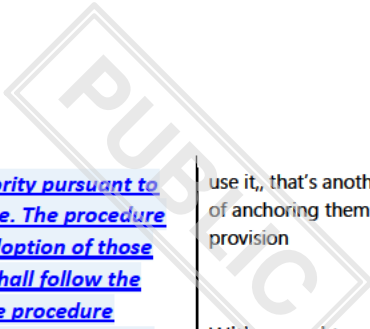
In addition, as explained in the technical meetings, while very important, this project will be a costly and complicated endeavour which we believe will not be feasible in the first few years of AMLA's existence when it will have a limited budget.

We do not attach a deadline in order to give the flexibility to start the development as soon as possible.

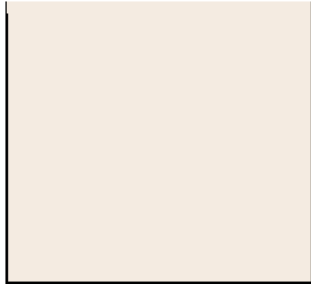




				communication we already have the special secure platforms plus a special legal framework for AMLA-FIU exchanges in the context of JAs.
517d			<u><i>(b) the Authority, FIUs or competent authorities request, collect or exchange information related to money laundering, its predicate offences, or terrorist financing, from other competent authorities, FIUs or obliged entities in the context of the tasks set out in this Regulation and other applicable Union law.</i></u>	This is just a statement of fact - data is collected for the purposes of supervision or FIU functioning
517e			<u><i>The Authority and the relevant competent authorities shall make use of the formats developed by</i></u>	If the new AML-IMAS platform will be part of the common supervisory methodology, there will be no other option but to



			<p><u><i>the Authority pursuant to this Article. The procedure for the adoption of those formats shall follow the applicable procedure depending on the type of act provided for under applicable Union law.</i></u></p>	<p>use it, that's another advantage of anchoring them in that provision</p> <p>With regard to procedure for adoption, generally what we want is not just Excel templates but a real online platform/set of tools, you really need to adopt them, you need to finance their development</p>
517f			<p><u><i>The formats issued by the Authority shall replace the formats previously issued by the EBA or the competent authorities on the same subject. The formats previously issued by the EBA or the competent authorities shall remain applicable until such time as new formats issued by the Authority enter into force. The Authority shall provide for a suitable</i></u></p>	<p>As explained in the TM, we do not need this clause because we don't have anything from EBA (at least nothing advanced that we would like to take over)</p>



transition period for obliged entities, competent supervisors, FIUs and other competent authorities to comply with the new formats.

