



**EFAMA**

European Fund and Asset Management Association

# **EFAMA Reply to EC Public Consultation on an action plan for a comprehensive Union policy on preventing money laundering and terrorist financing**

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EU transparency register: 3373670692-24

## Introduction

As highlighted in President's von der Leyen guidelines for the new Commission, the complexity and sophistication of the Union's financial system has opened the door to new risks of money laundering and terrorist financing. The European Union needs to step up its regulatory framework and preventive architecture to ensure that no loopholes or weak links in the internal market allow criminals to use the EU to launder the proceeds of their illicit activities.

The Action Plan adopted on 25 March 2020 by the Commission sets out the steps to be taken to deliver on this ambitious agenda, from better enforcement of existing rules to revision of the anti-money laundering /countering the financing of terrorism rules, to an overhaul of the EU's supervisory and enforcement architecture.

While recent money laundering scandals have created a sense of urgency to act, the Commission is determined to ensure that such action is comprehensive and delivers a future-proof framework that will effectively protect the Union's financial and economic system from criminal money and that will strengthen the EU's role as a world leader in the fight against money laundering and terrorist financing.

This public consultation aims to gather stakeholder views on the actions that the Commission has identified as priority in its action plan and in view of preparing potential future initiatives to strengthen the EU's anti- money laundering / countering the financing of terrorism framework.

### About this consultation

In line with Better Regulation principles, the Commission has decided to launch a public consultation to gather stakeholder views on the possible enhancements to the EU anti-money laundering/countering the financing of terrorism framework. This consultation contains separate sections. You can choose to answer only one, several or all sections, depending on your interest and knowledge.

The first section aims to collect stakeholder views regarding actions already undertaken at EU level to strengthen the application and enforcement of the EU anti-money laundering / countering the financing of terrorism framework, and how each of them could be strengthened.

The second section seeks views regarding the current EU legal framework, what areas should be further harmonised and what should be left to Member States to regulate. Feedback is also sought on the need to improve consistency with other related legislation is also raised for feedback.

The third section aims to capture views from all stakeholders on a revised supervisory architecture. Stakeholders are invited to react on scope, structure and powers that should be granted to an EU-level supervisor and how it should interact with national supervisors.

The fourth section looks for input from stakeholders on the actions that can help to strengthen the provision and relevance of financial intelligence, and in particular on the possibility to set up a support and coordination mechanism for financial intelligence units across the EU.

The fifth section seeks stakeholder views with regard to the enforcement actions and the development of partnerships between public authorities and the private sector to ensure that, when money laundering has not been prevented, it can at least be detected and suppressed.

The sixth section aims to receive views from the stakeholders on the actions that the EU should take at international level and with regard to non-EU countries to strengthen its global role in the fight against money laundering and terrorism financing.

Responding to the full questionnaire should take 25 minutes.

## Important notice

Contributions received are intended for publication "as submitted" on the Commission's websites. In the next section, you have the possibility to indicate whether you agree to the publication of your individual responses under your name or anonymously. In addition to answering the questions, you may upload a brief document (e.g. a position paper) at the end of the questionnaire. The document can be in any official EU language.

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**Please note:** In order to ensure a fair and transparent consultation process **only responses received through our online questionnaire will be taken into account** and included in the report summarising the responses. Should you have a problem completing this questionnaire or if you require particular assistance, please contact [fisma-financial-crime@ec.europa.eu](mailto:fisma-financial-crime@ec.europa.eu).

More information:

- [on this consultation](#)
- [on the consultation document](#)
- [on the protection of personal data regime for this consultation](#)

## About you

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\* Language of my contribution

- English

\* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

\* First name

\* Surname

\* Email (this won't be published)

\* Scope

- International
- Local
- National
- Regional

\* Organisation name **EFAMA** (EFAMA is the voice of the European investment management industry, representing twenty-eight member associations, fifty-nine corporate members and twenty-two associate members. At the end of the third quarter of 2019, the European asset management industry had total net assets of EUR 17.2 trillion, comprising almost 62,500 investment funds of which almost 34,000 were Undertakings for Collective Investments in Transferable Securities (

\* Organisation size

- Micro (1 to 9 employees)

- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

## Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

### \* Country of origin

Please add your country of origin, or that of your organisation.

**Belgium**

### \* Field of activity or sector (if applicable):

at least 1 choice(s)

- Accounting
- Art dealing Auditing Banking
- Company and trust creation and management Consulting
- Gambling
- Insurance
- Investment management (e.g. assets, securities)** Other company and trust services
- Other financial services Notary services
- Legal services
- Pension provision Real estate
- Tax advice
- Think tank
- Trading in goods Virtual assets Other
- Not applicable

### \* Please specify your activity field(s) or sector(s):

### \* Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

**Anonymous**

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

**Public**

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

I agree with the [personal data protection provisions](#)

## Ensuring effective implementation of the existing rules

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Ensuring correct transposition and application of the EU anti-money laundering / countering the financing of terrorism rules is a priority for the Commission. The Commission adopted a tough approach in relation to the transposition of both the 4th and 5th Anti-Money Laundering Directives and launched or will soon launch infringement proceedings against Member States for failure to fully transpose these provisions.

The Commission monitors the effectiveness of Member States' anti-money laundering / countering the financing of terrorism frameworks in the context of the European Semester cycle. In 2020, 11 countries have seen their frameworks assessed.

The European Banking Authority has seen its mandate recently strengthened, and is now responsible to lead, coordinate and monitor AML/CFT efforts in the financial sector. Among its new powers are the performance of risk assessments on competent authorities, the right to request national authorities to investigate individual institutions and adopt measures when breaches are detected. These new powers complement existing powers to investigate potential breaches of Union law.

This section aims to collect stakeholder views regarding the effectiveness of these measures and on whether other measures could contribute to strengthening the enforcement of anti-money laundering / countering the financing of terrorism rules.

**How effective are the following existing EU tools to ensure application and enforcement of anti-money laundering / countering the financing of terrorism rules?**

*at most 1 answered row(s)*

	Very effective	Rather effective	Neutral	Rather ineffective	Not effective at all	Don't know
Infringement proceedings for failure to transpose EU law or incomplete/incorrect transposition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Country-specific recommendations in the context of the European Semester	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Action following complaint by the public	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Breach of Union law investigations by the European Banking Authority	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
New powers granted to the European Banking Authority	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**How effective would more action at each of the following levels be to fight money laundering and terrorist financing?**

*at most 1 answered row(s)*

	Very effective	Rather effective	Neutral	Rather ineffective	Not effective at all	Don't know
At national level only	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
At national level with financial support and guidance from the European Union	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
At the level of the European Union (oversight and coordination of national action)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
At international level	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
No additional action at any level	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



## Should other tools be used by the EU to ensure effective implementation of the rules?

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Global integration of the financial system and the rise of new technologies contribute to increased sophistication and development of financial crime. Moreover, as recent scandals have shown, financial crime knows no borders: organised crime groups make large profits by circumventing national laws and escaping criminal prosecutions. AML/CTF legislation varies across the EU, with uneven implementation of EU Directives, delays and inconsistencies in how national legislation implement these Directives. Such fragmentation across the EU is easily exploited by criminals. Exacerbating this, national prosecutors often lack the tools to act quickly and efficiently across borders. The European Banking Authority (“EBA”), as the EU-level supervisor of national AML supervisors for banks, has so far not prevented or stopped large-scale AML violations.

This pan-European problem cannot be addressed by national authorities alone within their regulatory borders. **A more coordinated approach is required to limit the risk to the EU’s financial sector.** Coordination at the EU level, with key third country regulators and supervisors, such as the FATF, can help national competent authorities to deploy resources more effectively. Mitigating the more significant risks and improving suspicious activity reporting would support a broader and more holistic threat picture and intelligence-led prioritisation of efforts.

On oversight and coordination of national actions at EU level please refer to our answer on EU supervision.

## Additional comments

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The process for enforcing implementation is too slow and ineffective and there are benefits for its review and improvement. Member States must be made to take their AML obligations seriously.

## Delivering a reinforced rulebook

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While the current EU legal framework is far-reaching, its minimum harmonisation approach results in diverging implementation among Member States and the imposition of additional rules at national level (e.g. list of entities subject to anti-money laundering obligations, ceilings for large cash payments). This fragmented legislative landscape affects the provision of cross-border services and limits cooperation among competent authorities. To remedy these weaknesses, some parts of the existing legal framework might be further harmonised and become part of a future Regulation. Other Union rules might also need to be amended or clarified to create better synergies with the AML/CFT framework.

As criminals continuously look for new channels to launder the proceeds of their illicit activities, new businesses might become exposed to money laundering / terrorist financing risks. In order to align with international standards, virtual asset service providers might need to be added among the entities subject to anti-money laundering / countering the financing of terrorism rules (the 'obliged entities'). Other sectors might also need to be included among the obliged entities to ensure that they take adequate preventive measures against money laundering and terrorism financing (e.g. crowdfunding platforms).

This section aims to gather stakeholder views regarding a) what provisions would need to be further harmonised, b) what other EU rules would need to be reviewed or clarified and c) whether the list of entities subject to preventive obligations should be expanded.

**The Commission has identified a number of provisions that could be further harmonised through a future Regulation. Do you agree with the selection?**

	Yes	No	Don't know
List of obliged entities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Structure and tasks of supervision	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tasks of financial intelligence units	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Customer due diligence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Electronic identification and verification	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Record keeping	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Internal controls	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reporting obligations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Beneficial ownership registers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Central bank account registers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ceiling for large cash payments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Freezing powers for financial intelligence units	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sanctions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**What other provisions should be harmonised through a Regulation?**

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The current EU AML/CTF framework is based on Directives which require a minimum harmonisation across the EU. This system has led to significant differences in interpretation and implementation across the EU, which can make compliance with regulatory requirements for large multi-jurisdictional financial institutions, including asset management firms, unnecessarily complicated and resource-intensive.

Increased harmonisation, through Regulations, is particularly important in the following areas:

- implementation of CDD rules;
- definition of certain predicate offences as well as enforcement and legal action for non-compliance (national penal codes can vary significantly across the EU countries as well as their definitions of what constitutes money laundering, etc.);
- obligations around suspicious activity or transaction reporting and submitting reports;
- EU-wide sanctions; and
- centralisation of beneficial ownership registers and other reporting requirements.

The adoption of an EU AML Regulation, based on the AMLD principles, would help to create a more level playing field and close loopholes created by the current discrepancies in AML laws and enforcement.

It is also worth noting that in some cases Member States have delayed implementation due to issues in transposing an EU Directive which does not align with the laws of that Member State (civil law vs common law). It is therefore important that any harmonisation takes into account **country specific regulations** and the **differences in the legal systems across all EU members. A too rigid set of regulations risks limited effectiveness and non-compliance.**

## What provisions should remain in the Directive due to EU Treaty provisions?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

## What areas where Member States have adopted additional rules should continue to be regulated at national level?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

## Should new economic operators (e.g. crowdfunding platforms) be added to the list of obliged entities?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Yes, there should be a consistent application across financial institutions and entities authorised to engage in financial transactions. This should keep pace with the rapid rise in new technologies in order to avoid regulatory gaps.

## In your opinion, are there any FinTech activities that currently pose money laundering / terrorism financing risks and are not captured by the existing EU framework? Please explain

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

As far as FinTechs are concerned, we see a higher risk of money laundering and terrorist financing in cases where fast and anonymous payment transactions are made possible.

## The Commission has identified that the consistency of a number of other EU rules with anti-money laundering / countering the financing of terrorism rules might need to be further enhanced or clarified through guidance or legislative changes. Do you agree?

	Yes	No	Don't know
Obligation for prudential supervisors to share information with anti-money laundering supervisors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bank Recovery and Resolution Directive (Directive 2014/59/EU) or normal insolvency proceedings: whether and under what circumstances anti-money laundering grounds can provide valid grounds to trigger the resolution or winding up of a credit institution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Deposit Guarantee Schemes Directive (Directive 2014/49/EU): customer assessment prior to pay-out	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Payment Accounts Directive (Directive 2014/92/EU): need to ensure the general right to basic account without weakening anti-money laundering rules in suspicious cases	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Categories of payment service providers subject to anti-money laundering rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Integration of strict anti-money laundering requirements in fit&proper tests	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Are there other EU rules that should be aligned with anti-money laundering / countering the financing of terrorism rules?

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Any obstacles to information sharing between the new EU supervisor and its counterparts in the EU, including FIUs, should be removed. It is also worth highlighting the misalignment between AML and data privacy rules.

### Additional comments

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

## Bringing about EU-level supervision

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Supervision is the cornerstone of an effective anti-money laundering / countering the financing of terrorism framework. Recent money laundering cases in the EU point to significant shortcomings in the supervision of both financial and non-financial entities. A clear weakness is the current design of the supervisory framework, which is Member-State based. However, supervisory quality and effectiveness are uneven across the EU, and no effective mechanisms exist to deal with cross-border situations.

A more integrated supervisory system would continue to build on the work of national supervisors, which could be complement, coordinated and supervised by an EU-level supervisor. The definition of such integrated system will require addressing issues linked to the scope and powers of such EU-level supervisor, and to the body that should be entrusted with such supervisory powers.

Effective EU level-supervision should include all obliged entities (both financial and non-financial ones), either gradually or from the outset. Other options would rest on the current level of harmonisation and provide for a narrower scope, i.e. oversight of the financial sector or of credit institutions only. These options would however leave weak links in the EU supervisory system.

Linked to the issue of the scope is that of the powers that such EU-level supervisor would have. These may range from direct powers (e.g. inspection of obliged entities) to indirect powers (e.g. review of national supervisors' activities) only, either on all or some entities. Alternatively, the EU-level supervisor could be granted both direct and indirect supervisory powers. The entities to be directly supervised by the EU-level supervisor could be predefined or regularly reviewed, based on risk criteria.

Finally, these supervisory tasks might be exercised by the European Banking Authority or by a new centralised agency. A third option might be to set-up a hybrid structure with decisions taken at the central level and applied by EU inspectors present in the Member States.

**What entities/sectors should fall within the scope of EU supervision for compliance with anti-money laundering / countering the financing of terrorism rules?**

- All obliged entities/sectors
- All obliged entities/sectors, but through a gradual process
- Financial institutions
- Credit institutions

**What powers should the EU supervisor have?**

*at most 1 choice(s)*

- Indirect powers over all obliged entities, with the possibility to directly intervene in justified cases
- Indirect powers over some obliged entities, with the possibility to directly intervene in justified cases
- Direct powers over all obliged entities
- Direct powers only over some obliged entities
- A mix of direct and indirect powers, depending on the sector/entities

**How should the entities subject to direct supervision by the EU supervisor be identified?**

- They should be predetermined
- They should be identified based on inherent characteristics of their business (e.g. riskiness, cross-border nature)
- They should be proposed by national supervisors

**Which body should exercise these supervisory powers?**

*at most 1 choice(s)*

- The European Banking Authority
- A new EU centralised agency
- A body with a hybrid structure (central decision-making and decentralised implementation)
- Other

If other: please explain

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

## Additional comments

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

EFAMA acknowledges the need for further coordination and consistent implementation of the AML Directive across the EU. However, should this responsibility fall in the remit of an EU supervisory authority, it would be important that the **asset management sectors' specific characteristics are taken into account.**

In terms of entities falling within the scope of EU supervision, it would make sense for this authority to have **indirect powers over all obligors**, with the possibility of direct intervention in justified cases. **The EU supervisor should have powers to intervene in justified cases, but not interfere in national cases and in the day-to-day operations of national supervisors. Local regulators have a deeper knowledge of the local market and local conditions and this knowledge should be preserved.** In setting up a new framework, it is key to specify the tasks of this EU agency and the tasks of the local supervisory authorities, and that an exchange of information is kept between central and national level.

## Establishing a coordination and support mechanism for financial intelligence units

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Financial intelligence units (FIUs) play a key role in the detection of money laundering and identification of new trends. They receive and analyse suspicious transaction and activities reports submitted by obliged entities, produce analyses and disseminate them to competent authorities.

While financial intelligence units generally function well, recent analyses have shown several weaknesses. Feedback to obliged entities remains limited, particularly in cross-border cases, which leaves the private sector without indications on the quality of their reporting system. The cross-border nature of much money laundering cases also calls for closer information exchanges, joint analyses and for a revamping of the FIU. net — the EU system for information exchange among financial intelligence units. Concerns regarding data protection issues also prevent Europol, under its current mandate, to continue hosting this system.

An FIU coordination and support mechanism at EU level would remedy the above weaknesses. Currently, the only forum available at EU level to coordinate the work of FIUs is an informal Commission expert group, the FIU Platform.

This section aims to obtain stakeholder feedback on a) what activities could be entrusted to such EU coordination and support mechanism and b) which body should be responsible for providing such coordination and support mechanism.

### Which of the following tasks should be given to the coordination and support mechanism?

- Developing draft common templates to report suspicious transactions
- Issuing guidance
- Developing manuals
- Assessing trends in money laundering and terrorist financing across the EU and identify common elements
- Facilitating joint analyses of cross-border cases
- Building capacity through new IT tools
- Hosting the FIU.net

### Which body should host this coordination and support mechanism?

*at most 1 choice(s)*

- The FIU Platform, turned into a formal committee involved in adopting Commission binding acts
- Europol, based on a revised mandate
- A new dedicated EU body
- The future EU AML/CFT supervisor
- A formal Network of financial intelligence units

### Additional comments

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

A coordination/support mechanism should ideally include all Member States participating in the single market via the EEA or bilateral agreements with the EU.

The main function of the national FIUs is to collect, investigate and analyse suspicious or unusual activity reports (i.e. SARs / STRs) submitted by obliged entities while Europol is in charge of coordinating investigations in cross-border cases. Currently information exchange and sharing with all relevant bodies is limited. At the same time, the effectiveness of FIUs varies widely across the EU. FIUs, often understaffed, under the current rule-based approach, find it difficult to analyse data out of all the volume of the data they receive making the detection of suspicious activities more difficult.

To strengthen the EU's ability to formulate a unified approach to the increasingly cross-border nature of financial crime and to promote efficient data sharing, the mandates of national FIUs should be harmonised and strengthened. When filing a SAR / STR to their national FIUs, it is vital for firms to receive feedback on their reporting. Such information streams would facilitate the efforts of firms to identify more clearly, prevent and mitigate the risks of ML/TF, while also decreasing the need for further data processing of those who are not involved in such criminal activities. Furthermore, the national FIUs should function in an inter-connected manner to avoid any duplication. In parallel, a European-level FIU function should be created to incorporate the existing Europol structure of the FIU.net and replace the European Commission's Financial Intelligence Unit platform structure. The European-level FIU function could then serve as a hub for the existing FIUs coordinating their activities and focusing on investigations of cross-border SARs / STRs. Lastly, as mandated by 5MLD, it is vital that this agency has the ability to coordinate the exchange of data between the national FIUs.

# Enforcement of EU criminal law provisions and information exchange

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Recent actions have increased the tools available to law enforcement authorities to investigate and prosecute money laundering and terrorist financing. Common definitions and sanctioning of money laundering facilitate judicial and police cooperation, while direct access to central bank account mechanisms and closer cooperation between law enforcement authorities, financial intelligence units and Europol speed up criminal investigations and make fighting cross-border crime more effective. Structures set up within Europol such as the Anti-Money Laundering Operational Network and the upcoming European Financial and Economic Crime Centre are also expected to facilitate operational cooperation and cross-border investigations.

Public-private partnerships are also gaining momentum as a means to make better use of financial intelligence. The current EU framework already requires financial intelligence units to provide feedback on typologies and trends in money laundering and terrorist financing to the private sector. Other forms of partnerships involving the exchange of operational information on intelligence suspects have proven effective but raise concerns as regards the application of EU fundamental rights and data protection rules.

This section aims to gather feedback from stakeholder on what actions are needed to help public-private partnership develop within the boundaries of EU fundamental rights.

## What actions are needed to facilitate the development of public-private partnerships?

- Put in place more specific rules on the obligation for financial intelligence units to provide feedback to obliged entities
- Regulate the functioning of public-private partnerships
- Issue guidance on the application of rules with respect to public-private partnerships (e.g. antitrust)
- Promote sharing of good practices

### Additional comments

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

All interested parties should be enabled to effectively cooperate and share information. Working in silos appears increasingly inefficient and outdated. The AML/ CFT framework has so far focused narrowly on the administrative requirements imposed on financial institutions. The outcome of this rule-based approach is a massive flow of information to the competent authorities, which is typically unguided by feedback and limited by financial institutions' limited intelligence picture.

Public-private partnerships where law enforcement information can be shared with obliged entities, should be strongly encouraged and embraced first and foremost by public authorities. Sharing of aggregated data, with the objective of fighting against criminals should already be possible under the existing legal framework, including GDPR. Exchange of operational data, which has so far been limited, should be encouraged, especially on a cross-border basis. A solid legal framework endorsed by, among others, data protection authorities, authorising under specific conditions such data sharing (including personal data) should be put in place.



## Strengthening the EU's global role

Money laundering and terrorism financing are global threats. The Commission and EU Member States actively contribute to the development of international standards to prevent these crimes through the Financial Action Task Force (FATF), an international cooperation mechanism that aims to fight money laundering and terrorism financing. To strengthen the EU's role globally, and given the fact that the EU generally translates FATF standards into binding provisions, it is necessary that the Commission and Member States speak with one voice and that the supranational nature of the EU is adequately taken into account when Member States undergo assessment of their national frameworks.

While FATF remains the international reference as regards the identification of high-risk jurisdictions, the Union also needs to strengthen its autonomous policy towards third countries that might pose a specific threat to the EU financial system. This policy involves early dialogue with these countries, close cooperation with Member States throughout the process and the identification of remedial actions to be implemented. Technical assistance might be provided to help these countries overcome their weaknesses and contribute to raising global standards.

This section seeks stakeholder views on what actions are needed to secure a stronger role for the EU globally.

### How effective are the following actions to raise the EU's global role in fighting money laundering and terrorist financing?

*at most 1 answered row(s)*

	Very effective	Rather effective	Neutral	Rather ineffective	Not effective at all	Don't know
Give the Commission the task of representing the European Union in the FATF	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Push for FATF standards to align to EU ones whenever the EU is more advanced (e.g. information on beneficial ownership)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### Additional comments

*5000 character(s) maximum*

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

A recent increase in financial crime activities in the context of the COVID-19 outbreak, along with a series of financial crime scandals, rapidly evolving business and technology and changing geopolitics, have underscored the shortcomings of the Europe's current AML regime. To address such challenges, establishing a stronger and more centralised AML supervision on the EU-level as well as the EU taking a more central stage in the fight against illicit finance are vital. As such, **a close working relationship with the FATF, whose soft law approach has become an efficient tool in promoting more stringent AML laws and regulations, would bring about increased harmonisation on a global level.** We also appreciate the FATF knowledge of the asset management sector and we support their **ongoing involvement on high risk third country methodology.**

## Additional information

Should you wish to provide additional information (for example a position paper) or raise specific points not covered by the questionnaire, you can upload your additional document here.

Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this open public consultation. The document is an optional complement and serves as additional background reading to better understand your position.

The maximum file size  
is 1 MB.

You can upload  
several files.

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed