

Brussels, 29 January 2009

Anti-money laundering: Commission takes action to ensure that France, Poland and Spain implement EU laws

The European Commission has decided to refer France and Poland to the European Court of Justice over non-implementation of the 3rd Anti-Money Laundering Directive. Reasoned opinions will also be sent to Poland and Spain for not laying down effective, proportionate and dissuasive penalties in national law as required by the Regulation on payer information accompanying transfers of funds. The transposition deadline for the Directive and for notifying the penalties laid down in national law under the Regulation was 15 December 2007.

Internal Market and Services Commissioner Charlie McCreevy said: "Money laundering and terrorism financing are global threats which can only be defeated by joint and concerted efforts. The fight against money laundering and terrorist financing remains a top priority of the EU and for the Member States. The 3rd Anti-Money Laundering Directive aims at boosting this fight as well as preventing damage to the stability and reputation of the financial sector and the single market. All Member States should ensure full transposition of the 3rd Anti-Money Laundering Directive as a matter of priority."

Third Anti-Money Laundering Directive – France, Poland

The Third Anti-Money Laundering Directive adopted in 2005 builds on existing EU legislation and incorporates into EU law the June 2003 revision of the Forty Recommendations of the Financial Action Task Force (FATF), the international standard-setter in the fight against money laundering and terrorist financing.

The Directive tightens the EU anti-money laundering regime currently applicable to the financial sector as well as lawyers, notaries, accountants, real estate agents and casinos. The scope of the Directive is broadened also to encompass trust and company service providers as well as all providers of goods, when payments are made in cash in excess of €15.000. In addition, the Directive requires the application of the anti-money laundering tools (identification and verification of customers' identity, record keeping, training of personnel, etc.) to the fight against terrorist financing.

The Directive introduces additional requirements and safeguards for situations of higher risk (e.g. trading with correspondent banks situated outside the EU).

Regulation on payer information accompanying transfers of funds – Poland, Spain

The Regulation to tighten controls of money transfers in order to cut off funding sources for terrorists and other criminals was adopted in 2006. In order to ensure the traceability of money transfers the Regulation requires that money transfers be accompanied by the identity of the sender including the name, address and account number. The information will be immediately available to the appropriate law enforcement authorities to assist them in detecting, investigating and prosecuting terrorists and other criminals and tracing their assets.

Although Regulations are directly applicable in Member States, this Regulation provides for the obligation of Member States to lay down and notify to the Commission effective, proportionate and dissuasive penalties in national law for failure to comply with the provisions of the Regulation, applicable as from 15 December 2007.

The latest information on infringement proceedings concerning all Member States can be found at:

http://ec.europa.eu/community_law/index_en.htm