



**2021/0241(COD)**

3.3.2022

# **AMENDMENT 81 - 341**

**Draft report**

**Ernest Urtasun, Assita Kanko**  
(PE704.888v01-00)

Proposal for a Regulation of the European Parliament and of the Council on information accompanying transfers of funds and certain crypto-assets (recast)

Proposal for a regulation  
(COM(2021)0422 – C9-0341/2021 – 2021/0241(COD))



**Amendment 81**  
**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Regulation (EU) 2015/847 was adopted to ensure that the Financial Action Task Force (FATF) requirements on wire transfers services providers, and in particular the obligation on payment service providers to accompany transfers of funds with information on the payer and the payee, were applied uniformly throughout the Union. The latest changes introduced in June 2019 in the FATF standards on new technologies, aiming at regulating so called virtual assets and virtual asset service providers, have provided new and similar obligations for virtual asset service providers, with the purpose to facilitate the traceability of transfers of virtual assets. Thus, under those new requirements, virtual asset transfer service providers must accompany transfers of virtual assets with information on their originators and beneficiaries, that they must obtain, hold, share with counterpart at the other hand of the virtual assets transfer and make available on request to *appropriate* authorities.

*Amendment*

(2) Regulation (EU) 2015/847 was adopted to ensure that the Financial Action Task Force (FATF) requirements on wire transfers services providers, and in particular the obligation on payment service providers to accompany transfers of funds with information on the payer and the payee, were applied uniformly throughout the Union. The latest changes introduced in June 2019 in the FATF standards on new technologies, aiming at regulating so called virtual assets and virtual asset service providers, have provided new and similar obligations for virtual asset service providers, with the purpose to facilitate the traceability of transfers of virtual assets. Thus, under those new requirements, virtual asset transfer service providers must accompany transfers of virtual assets with information on their originators and beneficiaries, that they must obtain, hold, share with counterpart at the other hand of the virtual assets transfer and make available on request to *competent* authorities.

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to clarifying the role of competent authorities.*

**Amendment 82**  
**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) Given that Regulation (EU) 2015/847 currently only applies to transfer of funds, in the meaning of banknotes and coins, scriptural money and electronic money as defined in point (2) of Article 2 of Directive 2009/110/EC, it is appropriate to extend the scope in order to also cover transfer of virtual assets.

*Amendment*

(3) Given that Regulation (EU) 2015/847 currently only applies to transfer of funds, in the meaning of banknotes and coins, scriptural money and electronic money as defined in point (2) of Article 2 of Directive 2009/110/EC, it is appropriate to extend the scope in order to also cover transfer of virtual assets. ***To that end, this Regulation intends to cover the transfer of crypto-assets through a crypto-asset service provider, in line with the best international standards.***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to the role of international standards, like FATF recommendations.*

**Amendment 83**  
**Paul Tang, Aurore Lalucq**

**Proposal for a regulation**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Given the growing use of crypto-assets in the form of non-fungible tokens (NFTs) it is important to also ensure transfers of NFTs, which are easily transferable across borders, is accompanied by the same information as other transfers of funds. By obliging crypto-asset service providers to accompany the transfers of crypto-assets with verified information on the originator and beneficiary of the transfer, also transfers of NFTs should be accompanied with such verified information.***

Or. en

### *Justification*

*The amendment aims to clarify that also NFTs are crypto-assets, as stipulated by the definitions in the MiCA regulation.*

#### **Amendment 84**

**Nathalie Colin-Oesterlé**

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

##### **Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Crypto-assets issued by central banks acting in their monetary authority capacity or by other public authorities should not be subject to the Union framework covering crypto-assets, and neither should services related to crypto-assets that are provided by such central banks or other public authorities.***

Or. fr

### *Justification*

*This amendment is inextricably linked to other admissible amendments relating to risks posed by crypto-asset transfers.*

#### **Amendment 85**

**Fulvio Martusciello**

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

##### **Recital 5**

*Text proposed by the Commission*

*Amendment*

(5) In order to facilitate their criminal activities, money launderers and financers of terrorism are likely to take advantage of the freedom of capital movements within the Union's integrated financial area unless certain coordinating measures are adopted at Union level. International cooperation within the framework of *FATF* and the global implementation of its

(5) In order to facilitate their criminal activities, money launderers and financers of terrorism are likely to take advantage of the freedom of capital movements within the Union's integrated financial area unless certain coordinating measures are adopted at Union level. ***The cross-border nature, the immutability of data and the constant record of transactions on the blockchain***

recommendations aim to prevent money laundering and terrorist financing while transferring funds *or crypto-assets* .

*make crypto-assets particularly suitable for traceability and law enforcement intervention when seeking illicit transactions. In order to effectively address the risks posed by the misuse of crypto-assets for money laundering and terrorist financing purposes, the Union should aim to use the advantages offered by blockchain technology to guarantee consumers protection whilst allowing licensed CASPs to operate without unnecessary administrative burdens.* International cooperation within the framework of *the Financial Action Task Force (FATF)* and the global implementation of its recommendations aim to prevent money laundering and terrorist financing while transferring funds

Or. en

#### *Justification*

*Data shows that fighting money laundering crimes becomes more effective when cryptocurrencies are used. This is due to the nature of cryptocurrency transactions which are traceable. Blockchain technology keeps a record of every transaction that has been processed, and once a transaction has been confirmed it cannot be changed or deleted. Unlike fiat money, where records can be altered, deleted, or manipulated making it extremely difficult to trace cash - which are some of its weaknesses compared to crypto assets.*

#### **Amendment 86** **Gunnar Beck, Nicolaus Fest**

#### **Proposal for a regulation** **Recital 5**

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

(5) In order to facilitate their criminal activities, money launderers and financiers of terrorism are likely to take advantage of the freedom of capital movements within the Union's integrated financial area unless certain coordinating measures are adopted at Union level. International cooperation within the framework of FATF and the global implementation of its

##### *Amendment*

(5) In order to facilitate their criminal activities, money launderers and financiers of terrorism are likely to take advantage of the freedom of capital movements within the Union's integrated financial area unless certain coordinating measures are adopted at Union level. ***Through immutable and constant record of transactions, data transparency and the cross-border***

recommendations aim to prevent money laundering and terrorist financing while transferring funds or crypto-assets .

***character of blockchains, crypto assets are traceable and allow for seamless law enforcement intervention when seeking illicit activities. The Union should take advantage of these benefits to effectively address risks for potential misuse of crypto-assets for purposes related to money laundering and terrorist financing in order to safeguard the European consumer and also allow licensed crypto-asset service providers to operate without restrictive administrative burdens.***

International cooperation within the framework of FATF and the global implementation of its recommendations aim to prevent money laundering and terrorist financing while transferring funds or crypto-assets .

Or. en

#### *Justification*

*This amendment is inextricably linked to other admissible amendments relating to risks posed by crypto-asset transfers.*

### **Amendment 87 Dorien Rookmaker**

#### **Proposal for a regulation Recital 5**

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

(5) In order to facilitate their criminal activities, money launderers and financers of terrorism are likely to take advantage of the freedom of capital movements within the Union's integrated financial area unless certain coordinating measures are adopted at Union level. International cooperation within the framework of FATF and the global implementation of its recommendations aim to prevent money laundering and terrorist financing while transferring funds or crypto-assets .

##### *Amendment*

(5) In order to facilitate their criminal activities, money launderers and financers of terrorism are likely to take advantage of the freedom of capital movements within the Union's integrated financial area unless certain coordinating measures are adopted at Union level. International cooperation within the framework of FATF and the global implementation of its recommendations aim to prevent money laundering and terrorist financing while transferring funds or crypto-assets. ***Crypto-assets can be traced through immutable and constant record. This will make law***

*enforcement without excessive administrative burdens for customers and service providers possible.*

Or. en

*Justification*

*Due to the nature of cryptocurrency, fighting money laundering crimes or the financing of terrorism will become more effective. Blockchain technology keeps a record of every transaction that has been processed, and once a transaction has been confirmed it cannot be changed or deleted. Unlike fiat money, where records can be altered or deleted.*

**Amendment 88**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**

**Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

*(5a) The proper use of blockchain technology allows competent authorities to better trace and investigate potential illicit transactions, as the immutability of data and the constant record of transactions on the blockchain sets up a suitable framework to seek and find relevant information on both the originator and beneficiary of any movement of assets. The blockchain technology, that has intrinsic cross-border nature, should be used to better combat money laundering, terrorist financing and criminal activity through the misuse of crypto-assets. To that end, an effective environment of exchange of relevant information should be set up, on the basis of proportionate measures, that avoid unnecessary administrative burden for crypto-assets service providers and promote high levels of consumer protection, namely on the field of data protection.*

Or. en



## *Justification*

*This amendment is inextricably linked to other admissible amendments relating to the role of innovative solutions, like blockchain technology.*

### **Amendment 89**

**Lídia Pereira, Lukas Mandl**

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

##### **Recital 6**

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

(6) By reason of the scale of the action to be undertaken, the Union should ensure that the International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation adopted by FATF on 16 February 2012 and then on 21 June 2019 (revised FATF Recommendations), and, in particular, FATF Recommendation 15 on new technologies (FATF Recommendation 15), FATF Recommendation 16 on wire transfers (‘FATF Recommendation 16’) and the revised interpretative notes on those Recommendations, are applied uniformly throughout the Union and that, in particular, there is no discrimination or discrepancy between, on the one hand, national payments or transfers of crypto-assets within a Member State and, on the other, cross-border payments or transfers of crypto-assets between Member States. Uncoordinated action by Member States acting alone in the field of cross-border transfers of funds and crypto-assets could have a significant impact on the smooth functioning of payment systems and crypto-asset transfer services at Union level and could therefore damage the internal market in the field of financial services.

###### *Amendment*

(6) By reason of the scale of the action to be undertaken, the Union should ensure that the International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation adopted by FATF on 16 February 2012 and then on 21 June 2019 (revised FATF Recommendations), and, in particular, FATF Recommendation 15 on new technologies (FATF Recommendation 15), FATF Recommendation 16 on wire transfers (‘FATF Recommendation 16’) and the revised interpretative notes on those Recommendations, are applied uniformly throughout the Union and that, in particular, there is no discrimination or discrepancy between, on the one hand, national payments or transfers of crypto-assets within a Member State and, on the other, cross-border payments or transfers of crypto-assets between Member States. Uncoordinated action by Member States acting alone in the field of cross-border transfers of funds and crypto-assets could have a significant impact on the smooth functioning of payment systems and crypto-asset transfer services at Union level and could therefore damage the internal market in the field of financial services. ***The coordination, at the EU level, should ensure legal and regulatory clarity. Therefore the set of definitions should be coherent between the different legal instruments, namely this Regulation***

*and the future Regulation on Markets in Crypto-assets and the future Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing. Harmonized rules, mainly on licencing regimes, are core priorities to reduce undue administrative burden on complying crypto-assets service providers in the internal market.*

Or. en

#### *Justification*

*This amendment is inextricably linked to other admissible amendments relating to other interaction with other legislations, e.g. the future Regulation on Markets in Crypto-assets.*

### **Amendment 90** **Fulvio Martusciello**

#### **Proposal for a regulation** **Recital 6**

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

(6) By reason of the scale of the action to be undertaken, the Union should ensure that the International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation adopted by FATF on 16 February 2012 and then on 21 June 2019 (revised FATF Recommendations), and, in particular, ***FATF Recommendation 15 on new technologies (FATF Recommendation 15)***, FATF Recommendation 16 on wire transfers (‘FATF Recommendation 16’) and the revised interpretative notes on those Recommendations, ***are*** applied uniformly throughout the Union ***and that, in particular, there is no discrimination or discrepancy between, on the one hand, national payments or transfers of crypto-assets within a Member State and, on the other, cross-border payments or transfers of crypto-assets between Member States.***

##### *Amendment*

(6) By reason of the scale of the action to be undertaken, the Union should ensure that the International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation adopted by FATF on 16 February 2012 and then on 21 June 2019 (***the*** ‘revised FATF Recommendations’), and, in particular, FATF Recommendation 16 on wire transfers (***the*** ‘FATF Recommendation 16’) and the revised interpretative notes on those Recommendations ***note for its implementation, are implemented*** uniformly throughout the Union. ***This process can be efficiently tackled by the single licence regime for crypto-operators under [please insert reference – proposal for a Regulation on Markets in Crypto-assets, and amending Directive (EU) 2019/1937- COM/2020/593 final] that will substitute single national AML registers.***

*Uncoordinated action by Member States acting alone in the field of cross-border transfers of funds and crypto-assets could have a significant impact on the smooth functioning of payment systems and crypto-asset transfer services at Union level and could therefore damage the internal market in the field of financial services.*

*To this end, the definitions of crypto-asset service providers under AMLD need to be aligned with those in [please insert reference – proposal for a Regulation on Markets in Crypto-assets, and amending Directive (EU) 2019/1937- COM/2020/593 final] to ensure harmonisation and regulatory clarity between the two regimes.*

Or. en

### *Justification*

*There are crypto players who are keen to engage with the harmonised, single licensing regime under MiCA. One key burden to providing seamless cross-border products in the EU has been the requirement for country-level registrations under the AMLD V. We are looking forward to that requirement being replaced by the harmonised licensing regime under MiCA to avoid double regulation and unnecessary administrative burdens for the complying players.*

## **Amendment 91**

**Aurore Lalucq, Paul Tang**

### **Proposal for a regulation**

#### **Recital 8**

#### *Text proposed by the Commission*

(8) Directive (EU) 2018/843 of the European Parliament and of the Council<sup>39</sup> introduced a definition of virtual currencies and recognised providers engaged in exchange services between virtual currencies and *fiat* currencies as well as custodian wallet providers among the entities submitted to anti-money laundering and countering terrorism financing requirements in the Union legal framework. The latest international developments, notably within the FATF, now implies the need to regulate additional categories of virtual asset service providers not yet covered as well as to broaden the current definition of virtual currency.

#### *Amendment*

(8) Directive (EU) 2018/843 of the European Parliament and of the Council<sup>39</sup> introduced a definition of virtual currencies and recognised providers engaged in exchange services between virtual currencies and *official* currencies as well as custodian wallet providers among the entities submitted to anti-money laundering and countering terrorism financing requirements in the Union legal framework. The latest international developments, notably within the FATF, now implies the need to regulate additional categories of virtual asset service providers not yet covered as well as to broaden the current definition of virtual currency.

<sup>39</sup> Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (OJ L 156, 19.6.2018, p. 43).

<sup>39</sup> Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (OJ L 156, 19.6.2018, p. 43).

Or. en

**Amendment 92**  
**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) In addition, the Commission Action Plan of 7 May 2020 for a comprehensive Union policy on preventing money laundering and terrorism financing<sup>41</sup> identified six priority areas for urgent action to improve the Union's anti-money laundering and countering financing of terrorism regime, including the establishment of a coherent regulatory framework for that regime in the Union to obtain more detailed and harmonised rules, notably to address the implications of technological innovation and developments in international standards and avoid diverging implementation of existing rules. Work at international level suggests a need to expand the scope of sectors or entities covered by the anti-money laundering and countering financing of terrorism rules ***and to assess how they should apply to virtual assets service providers not covered so far.***

*Amendment*

(13) In addition, the Commission Action Plan of 7 May 2020 for a comprehensive Union policy on preventing money laundering and terrorism financing<sup>41</sup> identified six priority areas for urgent action to improve the Union's anti-money laundering and countering financing of terrorism regime, including the establishment of a coherent regulatory framework for that regime in the Union to obtain more detailed and harmonised rules, notably to address the implications of technological innovation and developments in international standards and avoid diverging implementation of existing rules. Work at international level suggests a need to expand the scope of sectors or entities covered by the anti-money laundering and countering financing of terrorism rules. ***This effort, that must be a common commitment at the international level and led by the Union, should not create undue obstacles for innovation in the financial sector or imply that crypto-assets businesses carry higher risk in the field of money laundering or terrorist financing, as the blockchain technology represents, rather than a risk, a field of opportunities***

*to improve transparency and effective exchange of information on transactions.*

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<sup>41</sup> Communication from the Commission on an Action Plan for a comprehensive Union policy on preventing money laundering and terrorist financing (C(2020) 2800 final).

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<sup>41</sup> Communication from the Commission on an Action Plan for a comprehensive Union policy on preventing money laundering and terrorist financing (C(2020) 2800 final).

Or. en

### *Justification*

*This amendment is inextricably linked to other admissible amendments relating to the interaction between international standards, like FATF, and EU standards in view of innovative solutions, like the future use of blockchain technology.*

## **Amendment 93** **Dorien Rookmaker**

### **Proposal for a regulation** **Recital 13**

#### *Text proposed by the Commission*

(13) In addition, the Commission Action Plan of 7 May 2020 for a comprehensive Union policy on preventing money laundering and terrorism financing<sup>41</sup> identified six priority areas for urgent action to improve the Union's anti-money laundering and countering financing of terrorism regime, including the establishment of a coherent regulatory framework for that regime in the Union to obtain more detailed and harmonised rules, notably to address the implications of technological innovation and developments in international standards and avoid diverging implementation of existing rules. Work at international level suggests a need to expand the scope of sectors or entities covered by the anti-money laundering and countering financing of terrorism rules and to assess how they should apply to virtual assets service providers not covered so far.

#### *Amendment*

(13) In addition, the Commission Action Plan of 7 May 2020 for a comprehensive Union policy on preventing money laundering and terrorism financing<sup>41</sup> identified six priority areas for urgent action to improve the Union's anti-money laundering and countering financing of terrorism regime, including the establishment of a coherent regulatory framework for that regime in the Union to obtain more detailed and harmonised rules, notably to address the implications of technological innovation and developments in international standards and avoid diverging implementation of existing rules. Work at international level suggests a need to expand the scope of sectors or entities covered by the anti-money laundering and countering financing of terrorism rules and to assess how they should apply to virtual assets service providers not covered so far.

***Crypto-assets are increasingly diverse. Like in traditional finance, some products may be riskier, but others have put AML risk-management at their core. The AML regulation should reflect this principle of non-discrimination in its provisions.***

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<sup>41</sup> Communication from the Commission on an Action Plan for a comprehensive Union policy on preventing money laundering and terrorist financing (C(2020) 2800 final).

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<sup>41</sup> Communication from the Commission on an Action Plan for a comprehensive Union policy on preventing money laundering and terrorist financing (C(2020) 2800 final).

Or. en

### *Justification*

*Crypto- assets are extremely divers and regulation must be risk based, executed by experts.*

## **Amendment 94 Gunnar Beck, Nicolaus Fest**

### **Proposal for a regulation Recital 13**

#### *Text proposed by the Commission*

(13) In addition, the Commission Action Plan of 7 May 2020 for a comprehensive Union policy on preventing money laundering and terrorism financing<sup>41</sup> identified six priority areas for urgent action to improve the Union's anti-money laundering and countering financing of terrorism regime, including the establishment of a coherent regulatory framework for that regime in the Union to obtain more detailed and harmonised rules, notably to address the implications of technological innovation and developments in international standards and avoid diverging implementation of existing rules. ***Work at international level suggests a need to expand the scope of sectors or entities covered by the anti-money laundering and countering financing of***

#### *Amendment*

(13) In addition, the Commission Action Plan of 7 May 2020 for a comprehensive Union policy on preventing money laundering and terrorism financing<sup>41</sup> identified six priority areas for urgent action to improve the Union's anti-money laundering and countering financing of terrorism regime, including the establishment of a coherent regulatory framework for that regime in the Union to obtain more detailed and harmonised rules, notably to address the implications of technological innovation and developments in international standards and avoid diverging implementation of existing rules. ***There should not be any implication in the EU regulatory framework that crypto-asset businesses carry inherently higher AML risks, as many crypto products are***

*terrorism rules and to assess how they should apply to virtual assets service providers not covered so far.*

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<sup>41</sup> Communication from the Commission on an Action Plan for a comprehensive Union policy on preventing money laundering and terrorist financing (C(2020) 2800 final).

*based on AML risk-management mechanisms built in the underlying Blockchain technology. The technology immensely improves asset ownership and transfer transparency.*

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<sup>41</sup> Communication from the Commission on an Action Plan for a comprehensive Union policy on preventing money laundering and terrorist financing (C(2020) 2800 final).

Or. en

## **Amendment 95** **Fulvio Martusciello**

### **Proposal for a regulation** **Recital 13**

#### *Text proposed by the Commission*

(13) In addition, the Commission Action Plan of 7 May 2020 for a comprehensive Union policy on preventing money laundering and terrorism financing<sup>41</sup> identified six priority areas for urgent action to improve the Union's anti-money laundering and countering financing of terrorism regime, including the establishment of a coherent regulatory framework for that regime in the Union to obtain more detailed and harmonised rules, notably to address the implications of technological innovation and developments in international standards and avoid diverging implementation of existing rules. ***Work at international level suggests a need to expand the scope of sectors or entities covered by the anti-money laundering and countering financing of terrorism rules and to assess how they should apply to virtual assets service providers not covered so far.***

#### *Amendment*

(13) In addition, the Commission Action Plan of 7 May 2020 for a comprehensive Union policy on preventing money laundering and terrorism financing<sup>41</sup> identified six priority areas for urgent action to improve the Union's anti-money laundering and countering financing of terrorism regime, including the establishment of a coherent regulatory framework for that regime in the Union to obtain more detailed and harmonised rules, notably to address the implications of technological innovation and developments in international standards and avoid diverging implementation of existing rules. ***The EU regulatory framework should not imply that crypto-asset businesses inherently carry higher AML risks as some crypto-products have AML risk-management at their core. The underlying blockchain technology, itself, can be used to dramatically improve transparency of asset ownership and transfers.***



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<sup>41</sup> Communication from the Commission on an Action Plan for a comprehensive Union policy on preventing money laundering and terrorist financing (C(2020) 2800 final).

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<sup>41</sup> Communication from the Commission on an Action Plan for a comprehensive Union policy on preventing money laundering and terrorist financing (C(2020) 2800 final).

Or. en

### *Justification*

*The crypto-asset community is increasingly diverse. Like in traditional finance, some products may be riskier, but others have put AML risk-management at their core. The AML regulation should reflect this principle of non-discrimination in its provisions.*

## **Amendment 96** **Aurore Lalucq, Paul Tang**

### **Proposal for a regulation** **Recital 13**

#### *Text proposed by the Commission*

(13) In addition, the Commission Action Plan of 7 May 2020 for a comprehensive Union policy on preventing money laundering and terrorism financing<sup>41</sup> identified six priority areas for urgent action to improve the Union's anti-money laundering and countering financing of terrorism regime, including the establishment of a coherent regulatory framework for that regime in the Union to obtain more detailed and harmonised rules, notably to address the implications of technological innovation and developments in international standards and avoid diverging implementation of existing rules. Work at international level suggests a need to expand the scope of sectors or entities covered by the anti-money laundering and countering financing of terrorism rules and to assess how they should apply to *virtual assets* service providers not covered so far.

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<sup>41</sup> Communication from the Commission

#### *Amendment*

(13) In addition, the Commission Action Plan of 7 May 2020 for a comprehensive Union policy on preventing money laundering and terrorism financing<sup>41</sup> identified six priority areas for urgent action to improve the Union's anti-money laundering and countering financing of terrorism regime, including the establishment of a coherent regulatory framework for that regime in the Union to obtain more detailed and harmonised rules, notably to address the implications of technological innovation and developments in international standards and avoid diverging implementation of existing rules. Work at international level suggests a need to expand the scope of sectors or entities covered by the anti-money laundering and countering financing of terrorism rules and to assess how they should apply to *crypto-assets* service providers not covered so far.

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<sup>41</sup> Communication from the Commission



on an Action Plan for a comprehensive Union policy on preventing money laundering and terrorist financing (C(2020) 2800 final).

on an Action Plan for a comprehensive Union policy on preventing money laundering and terrorist financing (C(2020) 2800 final).

Or. en

## Amendment 97

Lídia Pereira, Lukas Mandl

### Proposal for a regulation

#### Recital 14

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

(14) In order to prevent terrorist financing, measures with the purpose of freezing the funds and the economic resources of certain persons, groups and entities have been taken, including Council Regulations (EC) No 2580/2001<sup>42</sup>, (EC) No 881/2002<sup>43</sup> and (EU) No 356/2010<sup>44</sup>. To the same end, measures with the purpose of protecting the financial system against the channelling of funds and economic resources for terrorist purposes have also been taken. *[please insert reference – proposal for a directive on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849] and Regulation [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849] contain* a number of such measures. Those measures do not, however, fully prevent terrorists or other criminals from accessing payment systems for transferring their funds.

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<sup>42</sup> Council Regulation (EC) No 2580/2001

##### *Amendment*

(14) In order to prevent terrorist financing, measures with the purpose of freezing the funds and the economic resources of certain persons, groups and entities have been taken, including Council Regulations (EC) No 2580/2001<sup>42</sup>, (EC) No 881/2002<sup>43</sup> and (EU) No 356/2010<sup>44</sup>. To the same end, measures with the purpose of protecting the financial system against the channelling of funds and economic resources for terrorist purposes have also been taken. *Directive (EU) 2015/849 of the European Parliament and of the Council contains* a number of such measures. Those measures do not, however, fully prevent terrorists or other criminals from accessing payment systems for transferring their funds. *Considering the risk of having outdated legislation in the field of anti-money laundering and counter the financing of terrorism, it is essential to guarantee that this Regulation is systematically coherent with the future legislative framework.*

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<sup>42</sup> Council Regulation (EC) No 2580/2001

of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (OJ L 344, 28.12.2001, p. 70).

<sup>43</sup> Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations (OJ L 139, 29.5.2002, p. 9).

<sup>44</sup> Council Regulation (EU) No 356/2010 of 26 April 2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia (OJ L 105, 27.4.2010, p. 1).

of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (OJ L 344, 28.12.2001, p. 70).

<sup>43</sup> Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations (OJ L 139, 29.5.2002, p. 9).

<sup>44</sup> Council Regulation (EU) No 356/2010 of 26 April 2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia (OJ L 105, 27.4.2010, p. 1).

Or. en

### *Justification*

*This amendment is inextricably linked to other admissible amendments relating to the interaction with other legislations and the need to guarantee systematic coherence with future legislation.*

### **Amendment 98**

**Ondřej Kovařík, Olivier Chastel, Dragoș Pîslaru, Gilles Boyer, Lucia Ďuriš Nicholsonová, Luis Garicano, Caroline Nagtegaal, Fabienne Keller, Dragoș Tudorache, Michal Šimečka, Ramona Strugariu**

### **Proposal for a regulation**

#### **Recital 15**

#### *Text proposed by the Commission*

(15) The traceability of transfers of funds and crypto-assets can be a particularly important and valuable tool in the prevention, detection and investigation of money laundering and terrorist financing, as well as in the implementation of restrictive measures, in particular those imposed by Regulations (EC) No 2580/2001, (EC) No 881/2002 and (EU)

#### *Amendment*

(15) The **full** traceability of transfers of funds and crypto-assets can be a particularly important and valuable tool in the prevention, detection and investigation of money laundering and terrorist financing, as well as in the implementation of restrictive measures, in particular those imposed by Regulations (EC) No 2580/2001, (EC) No 881/2002 and (EU)

No 356/2010, in compliance with Union regulations implementing such measures. It is therefore appropriate, in order to ensure the transmission of information throughout the payment or transfers of crypto-assets chain, to provide for a system imposing the obligation on payment service providers and crypto-asset service providers to accompany transfers of funds and crypto-assets with information on the payer and the payee , and, for transfers of crypto-assets, on the originator and the beneficiary.

No 356/2010, in compliance with Union regulations implementing such measures. It is therefore appropriate, in order to ensure the transmission of information throughout the payment or transfers of crypto-assets chain, to provide for a system imposing the obligation on payment service providers and crypto-asset service providers to accompany transfers of funds and crypto-assets with information on the payer and the payee , and, for transfers of crypto-assets, on the originator and the beneficiary.

Or. en

#### **Amendment 99**

**Andżelika Anna Możdżanowska, Michiel Hoogeveen, Roberts Zile, Bogdan Rzońca, Dorien Rookmaker**  
on behalf of the ECR Group

#### **Proposal for a regulation Recital 15 a (new)**

*Text proposed by the Commission*

*Amendment*

***(15a) Most crypto-asset transactions are pseudonymous and transparent, and therefore, present a lower risk of money laundering and terrorist financing due to the inherently transparent and immutable nature of blockchain technology which makes it easier to trace crypto-asset transactions;***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risks posed by crypto-asset transfers.*

#### **Amendment 100**

**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) This Regulation should ***also apply without prejudice to*** Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>46</sup>. Further processing of personal data for commercial purposes should be strictly prohibited. The fight against money laundering and terrorist financing is recognised as an important public interest ground by all Member States. In applying this Regulation, the transfer of personal data to a third country must be carried out in accordance with Chapter V of Regulation (EU) 2016/679. It is important that payment service providers and crypto-asset service providers operating in multiple jurisdictions with branches or subsidiaries located outside the Union should not be prevented from transferring data about suspicious transactions within the same organisation, provided that they apply adequate safeguards. In addition, the crypto-asset service providers of the originator and the beneficiary, the payment service providers of the payer and of the payee and the intermediary payment service providers should have in place appropriate technical and organisational measures to protect personal data against accidental loss, alteration, or unauthorised disclosure or access.

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

*Amendment*

(17) ***Processing of personal data under*** this Regulation should ***take place in full compliance with*** Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>46</sup>. Further processing of personal data for commercial purposes should be strictly prohibited. The fight against money laundering and terrorist financing is recognised as an important public interest ground by all Member States. In applying this Regulation, the transfer of personal data to a third country must be carried out in accordance with Chapter V of Regulation (EU) 2016/679. It is important that payment service providers and crypto-asset service providers operating in multiple jurisdictions with branches or subsidiaries located outside the Union should not be prevented from transferring data about suspicious transactions within the same organisation, provided that they apply adequate safeguards. In addition, the crypto-asset service providers of the originator and the beneficiary, the payment service providers of the payer and of the payee and the intermediary payment service providers should have in place appropriate technical and organisational measures to protect personal data against accidental loss, alteration, or unauthorised disclosure or access.

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

Or. en

*Justification*

*This AM is necessary for the internal logic of the text, c.f. recital 45.*

**Amendment 101**

**Markus Ferber**

**Proposal for a regulation**

**Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18a) Providers of ancillary infrastructure such as internet services providers, providers of cloud computing services or hosting services should not be subject to this Regulation.***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risks posed by crypto-asset transfers.*

**Amendment 102**

**Gilles Boyer, Fabienne Keller, Stéphanie Yon-Courtin, Olivier Chastel, Ondřej Kovařík, Ramona Strugariu, Michal Šimečka**

**Proposal for a regulation**

**Recital 19**

*Text proposed by the Commission*

*Amendment*

(19) Transfers of funds corresponding to services referred to in points (a) to (m) and (o) of Article 3 of Directive (EU) 2015/2366<sup>47</sup> do not fall within the scope of this Regulation. It is also appropriate to exclude from the scope of this Regulation transfers of funds that represent a low risk of money laundering or terrorist financing. Such exclusions should cover payment cards, electronic money instruments, mobile phones or other digital or information technology (IT) prepaid or

(19) Transfers of funds corresponding to services referred to in points (a) to (m) and (o) of Article 3 of Directive (EU) 2015/2366<sup>47</sup> do not fall within the scope of this Regulation. It is also appropriate to exclude from the scope of this Regulation transfers of funds that represent a low risk of money laundering or terrorist financing. Such exclusions should cover payment cards, electronic money instruments, mobile phones or other digital or information technology (IT) prepaid or

postpaid devices with similar characteristics, where they are used exclusively for the purchase of goods *or* services and the number of the card, instrument or device accompanies all transfers. However, the use of a payment card, an electronic money instrument, a mobile phone, or any other digital or IT prepaid or postpaid device with similar characteristics in order to effect a person-to-person transfer of funds, falls within the scope of this Regulation. In addition, Automated Teller Machine withdrawals, payments of taxes, fines or other levies, transfers of funds carried out through cheque images exchanges, including truncated cheques, or bills of exchange, and transfers of funds where both the payer and the payee are payment service providers acting on their own behalf should be excluded from the scope of this Regulation.

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<sup>47</sup> Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).

postpaid devices with similar characteristics, where they are used exclusively for the purchase of *consumer* goods *and* services *only* and the number of the card, instrument or device accompanies all transfers. However, the use of a payment card, an electronic money instrument, a mobile phone, or any other digital or IT prepaid or postpaid device with similar characteristics in order to effect a person-to-person transfer of funds, falls within the scope of this Regulation. In addition, Automated Teller Machine withdrawals, payments of taxes, fines or other levies, transfers of funds carried out through cheque images exchanges, including truncated cheques, or bills of exchange, and transfers of funds where both the payer and the payee are payment service providers acting on their own behalf should be excluded from the scope of this Regulation.

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<sup>47</sup> Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).

Or. en

### *Justification*

*The criteria to be met to benefit from this exemption seem insufficiently precise. It opens up anonymous sales of prepaid coupons that may give rise to risky transactions.*

## **Amendment 103**

**Lídia Pereira, Lukas Mandl**

### **Proposal for a regulation**

#### **Recital 20**

*Text proposed by the Commission*

(20) In order to reflect the special characteristics of national payment and crypto-asset transfer systems, and provided that it is always possible to trace the transfer of funds back to the payer or the transfer of crypto-assets back to the beneficiary, Member States should be able to exempt from the scope of this Regulation certain domestic low-value transfers of funds, including electronic giro payments, or low-value transfers of crypto-assets, used for the purchase of goods or services.

*Amendment*

(20) In order to reflect the special characteristics of national payment and ***the specificities of*** crypto-asset transfer systems, and provided that it is always possible to trace the transfer of funds back to the payer or, ***through the immutability and traceability inherent to blockchain technology,*** the transfer of crypto-assets back to the beneficiary, Member States should be able to exempt from the scope of this Regulation certain domestic low-value transfers of funds, including electronic giro payments, or low-value transfers of crypto-assets, used for the purchase of goods or services.

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to the specificities of crypto-assets.*

**Amendment 104**

**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**

**Recital 20**

*Text proposed by the Commission*

(20) In order to reflect the special characteristics of national payment ***and crypto-asset transfer*** systems, and provided that it is always possible to trace the transfer of funds back to the payer ***or the transfer of crypto-assets back to the beneficiary***, Member States should be able to exempt from the scope of this Regulation certain domestic low-value transfers of funds, including electronic giro payments, ***or low-value transfers of crypto-assets,*** used for the purchase of goods or services.

*Amendment*

(20) In order to reflect the special characteristics of national payment systems, and provided that it is always possible to trace the transfer of funds back to the payer, Member States should be able to exempt from the scope of this Regulation certain domestic low-value transfers of funds, including electronic giro payments used for the purchase of goods or services.



### **Amendment 105**

**Gilles Boyer, Fabienne Keller, Stéphanie Yon-Courtin, Olivier Chastel, Ondřej Kovařík, Ramona Strugariu, Michal Šimečka**

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

##### **Recital 20**

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

(20) In order to reflect the special characteristics of national payment and crypto-asset transfer systems, and provided that it is always possible to trace the transfer of funds back to the payer or the transfer of crypto-assets back to the beneficiary, Member States should be able to exempt from the scope of this Regulation certain domestic low-value transfers of funds, including electronic giro payments, or low-value transfers of crypto-assets, used for the purchase of goods or services.

###### *Amendment*

(20) In order to reflect the special characteristics of national payment and crypto-asset transfer systems, and provided that it is always possible to trace the transfer of funds back to the payer or the transfer of crypto-assets back to the beneficiary, Member States should be able to exempt from the scope of this Regulation certain domestic low-value transfers of funds, including electronic giro payments, or low-value transfers of crypto-assets, used for the purchase of **consumer** goods or services **only**.

###### *Justification*

*The criteria to be met to benefit from this exemption seem insufficiently precise. It opens up anonymous sales of prepaid coupons that may give rise to risky transactions.*

### **Amendment 106**

**Ondřej Kovařík, Olivier Chastel, Dragoș Pîslaru, Gilles Boyer, Lucia Ďuriš Nicholsonová, Luis Garicano, Caroline Nagtegaal, Fabienne Keller, Dragoș Tudorache, Michal Šimečka**

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

##### **Recital 20**

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

(20) In order to reflect the special characteristics of national payment and crypto-asset transfer systems, and provided

###### *Amendment*

(20) In order to reflect the special characteristics of national payment and crypto-asset transfer systems, and provided



that it is always possible to trace the transfer of funds back to the payer or the transfer of crypto-assets back to the **beneficiary**, Member States should be able to exempt from the scope of this Regulation certain domestic low-value transfers of funds, including electronic giro payments, or low-value transfers of crypto-assets, used for the purchase of goods or services.

that it is always possible to trace the transfer of funds back to the payer or the transfer of crypto-assets back to the **originator**, Member States should be able to exempt from the scope of this Regulation certain domestic low-value transfers of funds, including electronic giro payments, or low-value transfers of crypto-assets, used for the purchase of goods or services.

Or. en

## **Amendment 107**

**Lídia Pereira, Lukas Mandl**

### **Proposal for a regulation**

#### **Recital 22**

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

(22) In order not to impair the efficiency of payment systems and crypto-asset transfer services, and in order to balance the risk of driving transactions underground as a result of overly strict identification requirements against the potential terrorist threat posed by small transfers of funds or crypto-assets, the obligation to check whether information on the payer or the payee, or, for transfers of crypto-assets, the originator and the beneficiary, is accurate should, in the case of transfers of funds where verification has not yet taken place, be imposed only in respect of individual transfers of funds or crypto-assets that exceed EUR 1000, unless the transfer appears to be linked to other transfers of funds or transfers of crypto-assets which together would exceed EUR 1000, the funds or crypto-assets have been received or paid out in cash or in anonymous electronic money, or where there are reasonable grounds for suspecting money laundering or terrorist financing.

##### *Amendment*

(22) In order not to impair the efficiency of payment systems and crypto-asset transfer services, and in order to balance the risk of driving transactions underground as a result of overly strict identification requirements against the potential terrorist threat posed by small transfers of funds or crypto-assets, the obligation to check whether information on the payer or the payee, or, for transfers of crypto-assets, the originator and the beneficiary, is accurate should, in the case of transfers of funds where verification has not yet taken place, be imposed only in respect of individual transfers of funds or crypto-assets that exceed EUR 1000, unless the transfer appears to be linked to other transfers of funds or transfers of crypto-assets which together would exceed EUR 1000, the funds or crypto-assets have been received or paid out in cash or in anonymous electronic money, or where there are reasonable grounds for suspecting money laundering or terrorist financing.

***This exemption for transfers not exceeding EUR 1000, calculated as***

*incremental value over a set period of time and based on the moment the transfer is ordered, applicable for transfers of funds and transfers of crypto-assets, in line with FATF standards, should guarantee a systematic coherence of the Union framework on payment services.*

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to keep the exemption for transfers not exceeding EUR 1000 in line with FATF standards.*

**Amendment 108**  
**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) In order not to impair the efficiency of payment systems ***and crypto-asset transfer services***, and in order to balance the risk of driving transactions underground as a result of overly strict identification requirements against the potential terrorist threat posed by small transfers of funds ***or crypto-assets***, the obligation to check whether information on the payer or the payee, ***or, for transfers of crypto-assets, the originator and the beneficiary***, is accurate should, in the case of transfers of funds where verification has not yet taken place, be imposed only in respect of individual transfers of funds ***or crypto-assets*** that exceed EUR 1000, unless the transfer appears to be linked to other transfers of funds ***or transfers of crypto-assets*** which together would exceed EUR 1000, the funds ***or crypto-assets*** have been received or paid out in cash or in anonymous electronic money, or where there are reasonable grounds for suspecting

*Amendment*

(22) In order not to impair the efficiency of payment systems and in order to balance the risk of driving transactions underground as a result of overly strict identification requirements against the potential terrorist threat posed by small transfers of funds, the obligation to check whether information on the payer or the payee is accurate should, in the case of transfers of funds where verification has not yet taken place, be imposed only in respect of individual transfers of funds that exceed EUR 1000, unless the transfer appears to be linked to other transfers of funds which together would exceed EUR 1000, the funds have been received or paid out in cash or in anonymous electronic money, or where there are reasonable grounds for suspecting money laundering or terrorist financing.

money laundering or terrorist financing.

Or. en

**Amendment 109**  
**Markus Ferber**

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) In order not to impair the efficiency of payment systems and crypto-asset transfer services , and in order to balance the risk of driving transactions underground as a result of overly strict identification requirements against the potential terrorist threat posed by small transfers of funds or crypto-assets , the obligation to check whether information on the payer or the payee , or, for transfers of crypto-assets, the originator and the beneficiary, is accurate should, in the case of transfers of funds where verification has not yet taken place, be imposed only in respect of individual transfers of funds or crypto-assets that exceed EUR 1000, unless the transfer appears to be linked to other transfers of funds or transfers of crypto-assets which together would exceed EUR 1000, the funds or crypto-assets have been received or paid out in cash or in anonymous electronic money, or where there are reasonable grounds for suspecting money laundering or terrorist financing.

*Amendment*

(22) In order not to impair the efficiency of payment systems and crypto-asset transfer services , and in order to balance the risk of driving transactions underground as a result of overly strict identification requirements against the potential terrorist threat posed by small transfers of funds or crypto-assets , the obligation to check whether information on the payer or the payee , or, for transfers of crypto-assets, the originator and the beneficiary, is accurate should, in the case of transfers of funds where verification has not yet taken place, be imposed only in respect of individual transfers of funds or crypto-assets that exceed EUR 1000, unless the transfer appears to be linked to other transfers of funds or transfers of crypto-assets which together would exceed EUR 1000, the funds or crypto-assets have been received or paid out in cash or in anonymous electronic money, or where there are reasonable grounds for suspecting money laundering or terrorist financing.  
***Member States that do not have the Euro as their currency should transpose the EUR 1000 threshold to the equivalent of their local currency;***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risks posed by crypto-asset transfers.*

## Amendment 110

Gilles Boyer, Fabienne Keller, Stéphanie Yon-Courtin, Olivier Chastel, Ramona Strugariu, Michal Šimečka

### Proposal for a regulation

#### Recital 22

*Text proposed by the Commission*

(22) In order not to impair the efficiency of payment systems and crypto-asset transfer services , and in order to balance the risk of driving transactions underground as a result of overly strict identification requirements against the potential terrorist threat posed by small transfers of funds or crypto-assets , the obligation to check whether information on the payer or the payee , or, for transfers of crypto-assets, the originator and the beneficiary, is accurate should, in the case of transfers of funds where verification has not yet taken place, be imposed **only** in respect of individual transfers of funds or crypto-assets **that exceed EUR 1000, unless the transfer appears to be linked to other transfers of funds or transfers of crypto-assets which together would exceed EUR 1000, the funds or crypto-assets have been received or paid out in cash or in anonymous electronic money, or where there are reasonable grounds for suspecting money laundering or terrorist financing.**

*Amendment*

(22) In order not to impair the efficiency of payment systems and crypto-asset transfer services , and in order to balance the risk of driving transactions underground as a result of overly strict identification requirements against the potential terrorist threat posed by small transfers of funds or crypto-assets , the obligation to check whether information on the payer or the payee , or, for transfers of crypto-assets, the originator and the beneficiary, is accurate should, in the case of transfers of funds where verification has not yet taken place, be imposed in respect of **all** individual transfers of funds or crypto-assets **regardless of the amount, in any currency, or crypto-assets, which are sent or received by a payment service provider, a crypto-asset service provider, or an intermediary payment service provider established in the Union.**

Or. en

*Justification*

*This threshold creates a risk that individuals perform multiple small transactions that may be easily misappropriated for criminal purposes and can be hardly detected.*

## Amendment 111

Gunnar Beck, Nicolaus Fest

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) In order not to impair the efficiency of payment systems and crypto-asset transfer services , and in order to balance the risk of driving transactions underground as a result of overly strict identification requirements against the potential terrorist threat posed by small transfers of funds or crypto-assets , the obligation to check whether information on the payer or the payee , or, for transfers of crypto-assets, the originator and the beneficiary, is accurate should, in the case of transfers of funds where verification has not yet taken place, be imposed only in respect of individual transfers of funds or crypto-assets that exceed EUR **1000**, unless the transfer appears to be linked to other transfers of funds or transfers of crypto-assets which together would exceed EUR **1000**, the funds or crypto-assets have been received or paid out in cash or in anonymous electronic money, or where there are reasonable grounds for suspecting money laundering or terrorist financing.

*Amendment*

(22) In order not to impair the efficiency of payment systems and crypto-asset transfer services , and in order to balance the risk of driving transactions underground as a result of overly strict identification requirements against the potential terrorist threat posed by small transfers of funds or crypto-assets , the obligation to check whether information on the payer or the payee , or, for transfers of crypto-assets, the originator and the beneficiary, is accurate should, in the case of transfers of funds where verification has not yet taken place, be imposed only in respect of individual transfers of funds or crypto-assets that exceed EUR **3000**, unless the transfer appears to be linked to other transfers of funds or transfers of crypto-assets which together would exceed EUR **3000**, the funds or crypto-assets have been received or paid out in cash or in anonymous electronic money, or where there are reasonable grounds for suspecting money laundering or terrorist financing.

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments.*

**Amendment 112**

**Andżelika Anna Możdżanowska, Michiel Hoogeveen, Roberts Zile, Bogdan Rzońca, Dorien Rookmaker**  
on behalf of the ECR Group

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) In order not to impair the efficiency

*Amendment*

(22) In order not to impair the efficiency

of payment systems and crypto-asset transfer services , and in order to balance the risk of driving transactions underground as a result of overly strict identification requirements against the potential terrorist threat posed by small transfers of funds or crypto-assets , the obligation to check whether information on the payer or the payee , or, for transfers of crypto-assets, the originator and the beneficiary, is accurate should, in the case of transfers of funds where verification has not yet taken place, be imposed only in respect of individual transfers of funds or crypto-assets that exceed EUR **1000**, unless the transfer appears to be linked to other transfers of funds or transfers of crypto-assets which together would exceed EUR **1000**, the funds or crypto-assets have been received or paid out in cash or in anonymous electronic money, or where there are reasonable grounds for suspecting money laundering or terrorist financing.

of payment systems and crypto-asset transfer services , and in order to balance the risk of driving transactions underground as a result of overly strict identification requirements against the potential terrorist threat posed by small transfers of funds or crypto-assets , the obligation to check whether information on the payer or the payee , or, for transfers of crypto-assets, the originator and the beneficiary, is accurate should, in the case of transfers of funds where verification has not yet taken place, be imposed only in respect of individual transfers of funds or crypto-assets that exceed EUR **5000**, unless the transfer appears to be linked to other transfers of funds or transfers of crypto-assets which together would exceed EUR **5000**, the funds or crypto-assets have been received or paid out in cash or in anonymous electronic money, or where there are reasonable grounds for suspecting money laundering or terrorist financing.

Or. en

#### *Justification*

*This amendment is inextricably linked to other admissible amendments.*

#### **Amendment 113**

**Aurore Lalucq, Paul Tang**

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

#### **Recital 22 a (new)**

*Text proposed by the Commission*

*Amendment*

***(22a) Due to the combination of the cross-border nature, global reach and transaction speed of crypto-asset transfers such an exception is not warranted for crypto-asset transfers. In order to fight the specific risks posed by crypto assets such as the financing of terrorist groups through very small transfers of crypto-assets or money laundering, the obligation to verify the accuracy of the***

***information on the originator or beneficiary should be imposed on all transfers of crypto-assets, whatever the amount of the transaction.***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments.*

**Amendment 114**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**

**Recital 22 a (new)**

*Text proposed by the Commission*

*Amendment*

***(22a) Technological solutions that offer a sufficient level of protection against money laundering and terrorist financing should be considered as an equivalent alternative to conventional Know-Your-Customer (KYC) obligations. Thus, crypto-asset service providers that offer such technological solutions in the sense of blockchain analytical tools should be exempted from KYC obligations. The decision whether a technological solution offers a sufficient level of protection against money laundering should be taken by the competent authorities.***

Or. en

*Justification*

*The blockchain technology offers to competent law enforcement authorities the possibility to look into the full transaction history of crypto-asset wallet addresses. Thus, blockchain analytical tools offer a high level of protection against money-laundering.*

**Amendment 115**

**Lídia Pereira, Lukas Mandl**



**Proposal for a regulation**  
**Recital 23**

*Text proposed by the Commission*

(23) For transfers of funds or for transfers of crypto-assets where verification is deemed to have taken place, payment service providers and crypto-asset service providers should not be required to verify information on the payer or the payee accompanying each transfer of funds, or on the originator and the beneficiary accompanying each transfer of crypto-assets, provided that the obligations laid down in *[please insert reference – proposal for a directive on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849] and Regulation [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849] are met.*

*Amendment*

(23) For transfers of funds or for transfers of crypto-assets where verification is deemed to have taken place, payment service providers and crypto-asset service providers should not be required to verify information on the payer or the payee accompanying each transfer of funds, or on the originator and the beneficiary accompanying each transfer of crypto-assets, provided that the obligations laid down in Directive (EU) 2015/849 **are met. Considering the risk of having outdated legislation in the field of anti-money laundering and counter the financing of terrorism, it is essential to guarantee that this Regulation is systematically coherent with the future legislative framework.**

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to the interaction with other legislations and guarantee systematic coherence with future legislation.*

**Amendment 116**  
**Gunnar Beck, Nicolaus Fest**

**Proposal for a regulation**  
**Recital 25 a (new)**

*Text proposed by the Commission*

*Amendment*

**(25a) Crypto-assets exist in a borderless virtual reality and can be transferred to**



*any crypto-asset service provider in any jurisdiction, or even without a jurisdictional registration. Many non-Union jurisdictions have in place rules relating to data protection and enforcement that are of a different nature than those laid down in the Union. When transferring crypto-assets on behalf of a customer to a crypto-asset service provider that is not registered in the Union, the crypto-asset service provider of the originator should, in addition to the customer due diligence measures laid down in Article 13 of Directive (EU) 2015/849, through best endeavour, assess the ability of the crypto-asset service provider of the beneficiary to receive and retain the information required under this Regulation and to protect the confidentiality of the originator's personal data. Where that information cannot be transmitted with the transfer, a record of the information on the originator and the beneficiary should nevertheless be retained and made available to competent authorities upon request.*

Or. en

#### *Justification*

*Data protection should be ensured in crypto-assets transfers. The CASP of the originator should be held to this requirement on a best effort basis as it may not realistically have the ability to perform a full due diligence on the non-EU CASP on behalf of which it is transferring the data.*

**Amendment 117**  
**Fulvio Martusciello**

**Proposal for a regulation**  
**Recital 25 a (new)**

*Text proposed by the Commission*

*Amendment*

**(25a)** *Crypto-assets exist in a borderless virtual reality and can be transferred to any crypto-asset service provider in any*

*jurisdiction, or even without a jurisdictional registration. Many non Union jurisdictions have in place rules relating to data protection and enforcement that are of a different nature than those laid down in the Union. When transferring crypto-assets on behalf of a customer to a crypto-asset service provider that is not registered in the Union, the crypto-asset service provider of the originator should, in addition to the customer due diligence measures laid down in Article 13 of Directive (EU) 2015/849, and on a best effort basis, assess the ability of the crypto asset service provider of the beneficiary to receive and retain the information required under this Regulation and to protect the confidentiality of the originator's personal data. Where that information cannot be transmitted with the transfer, a record of the information on the originator and the beneficiary should nevertheless be retained and made available to competent authorities upon request.*

Or. en

#### *Justification*

*Data protection should be ensured in crypto-assets transfers. The CASP of the originator should be held to this requirement on a best effort basis as it may not realistically have the ability to perform a full due diligence on the non-EU CASP on behalf of which it is transferring the data.*

**Amendment 118**  
**Aurore Lalucq, Paul Tang**

**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

(27) Regarding transfers of crypto-assets, the requirements of this Regulation should apply to crypto-asset service

*Amendment*

(27) Regarding transfers of crypto-assets, the requirements of this Regulation should apply to crypto-asset service

providers whenever their transactions, whether in *fiat* currency or a crypto-asset, involve a traditional wire transfer or a transfer of crypto-assets involving a crypto-asset service provider.

providers whenever their transactions, whether in *official* currency or a crypto-asset, involve a traditional wire transfer or a transfer of crypto-assets involving a crypto-asset service provider.

Or. en

**Amendment 119**  
**Martin Schirdewan, Clare Daly**

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

*Text proposed by the Commission*

*Amendment*

***(27a) In the case of a transfer of crypto-assets from or to a distributed ledger address not linked to a crypto-asset service provider, known as an 'unhosted wallet', the crypto-asset service provider or other obliged entity should obtain and retain the required originator and beneficiary information from their customer, whether originator or beneficiary, or, wherever possible and appropriate, from the agent behind the unhosted wallet. The crypto-asset service provider should verify the accuracy of the information with respect to its own customer. In addition, in case of a transfer from or to an unhosted wallet, crypto-asset service providers should also verify the accuracy of information with respect to the external originator or beneficiary behind the unhosted wallet. An exception regarding the obtainment, verification or retention of information with respect to the external agents behind unhosted wallets cannot be provided, as such exception would favour these distributed ledger addresses that are not linked to an obliged entity, undermining the possibilities to detect and report suspicious transactions. However, in order to provide for a period of adjustment, the provisions regarding the***

***obligation to verify information with respect to the agents behind unhosted wallets should come into effect three years after this Regulation enters into force.***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments with regard to risks posed by crypto-assets transfers. This recital clarifies the obligations with respect to transfers involving a hosted wallet and special provisions regarding the transmission and verification of information.*

**Amendment 120**  
**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**  
**Recital 27 b (new)**

*Text proposed by the Commission*

*Amendment*

***(27b) The European Banking Authority in cooperation with the European Securities and Markets Authority should provide guidelines for crypto-asset service providers on the obtainment, verification and retention of the required originator or beneficiary information with respect to unhosted wallets taking into account and supporting the development of technological solutions.***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments with regard to risks posed by crypto-assets transfers. This recital clarifies the role of EU supervisory institutions in supporting the efforts of obliged entities to verify information with respect to unhosted wallets.*

**Amendment 121**  
**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**  
**Recital 28**

*Text proposed by the Commission*

(28) Due to the cross-border nature **and the risks associated with** crypto-asset activities and crypto-asset service providers operations, all transfers of crypto-assets should be treated as cross-border wire transfers, with no simplified domestic wire transfers regime.

*Amendment*

(28) Due to the cross-border nature **of** crypto-asset activities and crypto-asset service providers operations, all transfers of crypto-assets should be treated as cross-border wire transfers, with no simplified domestic wire transfers regime.

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to the nature of crypto-assets.*

**Amendment 122**  
**Gwendoline Delbos-Corfield, Ernest Urtasun**

**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

(29) The crypto-asset service provider of the originator should ensure that transfers of crypto-assets are accompanied by the name of the originator, the originator's account number, where such an account exists and is used to process the transaction, and the originator's address, official personal document number, customer identification number or date and place of birth. The crypto-asset service provider of the originator should also ensure that transfers of crypto-assets are accompanied by the name of the beneficiary and the beneficiary's account number, where such an account exists and is used to process the transaction.

*Amendment*

(29) The crypto-asset service provider of the originator should ensure that transfers of crypto-assets are accompanied by the name of the originator, the originator's account number, where such an account exists and is used to process the transaction, and the originator's address, official personal document number, customer identification number or date and place of birth. The crypto-asset service provider of the originator should also ensure that transfers of crypto-assets are accompanied by the name of the beneficiary and the beneficiary's account number, where such an account exists and is used to process the transaction. ***The crypto-asset service provider of the originator could be allowed to refrain from transmitting such information when***

*adequate safeguards for ensuring respect of data protection, of the principle of the rule of law and of fundamental rights cannot be ensured.*

Or. en

### **Amendment 123**

**Ondřej Kovařík, Olivier Chastel, Dragoș Pîslaru, Gilles Boyer, Lucia Ďuriš Nicholsonová, Luis Garicano, Caroline Nagtegaal, Fabienne Keller, Dragoș Tudorache, Michal Šimečka, Ramona Strugariu**

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

##### **Recital 29**

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

(29) The crypto-asset service provider of the originator should ensure that transfers of crypto-assets are accompanied by the name of the originator, the originator's account number, where such an account exists and is used to process the transaction, and the originator's address, official personal document number, customer identification number or date and place of birth. The crypto-asset service provider of the originator should also ensure that transfers of crypto-assets are accompanied by the name of the beneficiary and the beneficiary's account number, where such an account exists and is used to process the transaction.

###### *Amendment*

(29) The crypto-asset service provider of the originator should ensure that transfers of crypto-assets are accompanied by the name of the originator, the originator's account number, where such an account exists and is used to process the transaction, and the originator's address, ***nationality***, official personal document number, customer identification number or date and place of birth. The crypto-asset service provider of the originator should also ensure that transfers of crypto-assets are accompanied by the name of the beneficiary and the beneficiary's account number, where such an account exists and is used to process the transaction.

Or. en

### **Amendment 124**

**Paul Tang**

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

##### **Recital 29 a (new)**

*Text proposed by the Commission*

*Amendment*

***(29a) In cases of a transfer of crypto-assets made from a distributed ledger address not linked to a crypto-asset service provider, known as an 'unhosted wallet', the crypto-asset service provider of the beneficiary should have to obtain information from the beneficiary both on the originator and the beneficiary. The crypto-asset service provider should verify the accuracy of the information of both the originator and beneficiary and should also ensure that transfers of crypto-assets are accompanied by the name of the beneficiary and the beneficiary's account number, along with the originator's name and account number. Before making the crypto-assets available to the beneficiary, the crypto-asset service provider should verify directly with the originator the accuracy of the information provided by the beneficiary. The crypto-asset service provider should retain this information and notify the competent authority of any one of its customers having received EUR 1000 or more from unhosted wallets.***

Or. en

*Justification*

*To ensure crypto-assets from potentially dodgy sources do not enter the regulated financial system.*

**Amendment 125**  
**Aurore Lalucq, Paul Tang**

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

*Text proposed by the Commission*

*Amendment*

***(29a) In cases of a transfer of crypto-assets made from or to a distributed ledger address not linked to a crypto-asset***

*service provider, the crypto-asset service providers should obtain information both on the originator and the beneficiary. However, the crypto-asset service provider should verify the accuracy of the informations of their customers and should also ensure that transfers of crypto-assets are accompanied by the name of the beneficiary and the beneficiary's account number, along with the originator's name and account number. If the crypto-asset service provider is or becomes aware that the information regarding the originator or beneficiary is inaccurate, they should report it to the Financial Intelligence Unit (FIU), in accordance with Directive (EU) 2015/849, even if they are not linked to a crypto-asset service provider.*

Or. en

#### *Justification*

*This amendment is inextricably linked to other admissible amendments relating to risks posed by crypto-asset transfers.*

#### **Amendment 126**

**Martin Schirdewan, Clare Daly**

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

#### **Recital 33**

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

(33) As regards transfers of crypto-assets, the crypto-asset service provider of the beneficiary should implement effective procedures to detect whether the information on the originator is missing or incomplete. These procedures should include, where appropriate, monitoring after or during the transfers, in order to detect whether the required information on the originator or the beneficiary is missing. It should not be required that the information is attached directly to the

##### *Amendment*

(33) As regards transfers of crypto-assets, the crypto-asset service provider of the beneficiary should implement effective procedures to detect whether the information on the originator **or the beneficiary** is missing or incomplete. These procedures should include, where appropriate, monitoring after or during the transfers, in order to detect whether the required information on the originator or the beneficiary is missing. It should not be required that the information is attached



transfer of crypto-assets itself, as long as it is submitted immediately and securely, and available upon request to appropriate authorities.

directly to the transfer of crypto-assets itself, as long as it is submitted immediately and securely, and available upon request to appropriate authorities.

Or. en

### *Justification*

*This AM is inextricably linked to other admissible AMs in the text, cf. Article 16.*

## **Amendment 127** **Martin Schirdewan**

### **Proposal for a regulation** **Recital 34**

#### *Text proposed by the Commission*

(34) Given the potential threat of money laundering and terrorist financing presented by anonymous transfers, it is appropriate to require payment service providers to request information on the payer and the payee. In line with the risk-based approach developed by FATF, it is appropriate to identify areas of higher and lower risk, with a view to better targeting the risk of money laundering and terrorist financing. Accordingly, the crypto-asset service provider of the beneficiary, the payment service provider of the payee and the intermediary payment service provider should have effective risk-based procedures that apply where a transfer of funds lacks the required information on the payer or the payee, or where a transfer of crypto-assets lacks the required information on the originator or the beneficiary, in order to allow them to decide whether to execute, reject or suspend that transfer and to determine the appropriate follow-up action to take.

#### *Amendment*

(34) Given the potential threat of money laundering and terrorist financing presented by anonymous transfers, it is appropriate to require payment service providers to request information on the payer and the payee. In line with the risk-based approach developed by FATF, it is appropriate to identify areas of higher and lower risk, with a view to better targeting the risk of money laundering and terrorist financing. Accordingly, the crypto-asset service provider of the beneficiary, the payment service provider of the payee and the intermediary payment service provider should have effective risk-based procedures that apply where a transfer of funds lacks the required information on the payer or the payee, or where a transfer of crypto-assets lacks the required information on the originator or the beneficiary, in order to allow them to decide whether to execute, reject or suspend that transfer and to determine the appropriate follow-up action to take. ***In order to detect the use of anonymising services such as mixers or tumblers, crypto-asset service providers should develop and apply monitoring and tracing***

*procedures.*

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments with regard to risks posed by crypto-assets transfers. This recital is linked with the proposal that crypto-asset service provider implement effective monitoring procedures to detect 'dirty' crypto-assets.*

**Amendment 128**

**Paul Tang, Aurore Lalucq**

**Proposal for a regulation**

**Recital 34**

*Text proposed by the Commission*

(34) Given the potential threat of money laundering and terrorist financing presented by anonymous transfers, it is appropriate to require payment service providers to request information on the payer and the payee. In line with the risk-based approach developed by FATF, it is appropriate to identify areas of higher and lower risk, with a view to better targeting the risk of money laundering and terrorist financing. Accordingly, the crypto-asset service provider of the beneficiary, the payment service provider of the payee and the intermediary payment service provider should have effective risk-based procedures that apply where a transfer of funds lacks the required information on the payer or the payee, or where a transfer of crypto-assets lacks the required information on the originator or the beneficiary, in order to allow them to decide whether to ***execute, reject or suspend*** that transfer and to determine the appropriate follow-up action to take.

*Amendment*

(34) Given the potential threat of money laundering and terrorist financing presented by anonymous transfers, it is appropriate to require payment service providers to request information on the payer and the payee. In line with the risk-based approach developed by FATF, it is appropriate to identify areas of higher and lower risk, with a view to better targeting the risk of money laundering and terrorist financing. Accordingly, the crypto-asset service provider of the beneficiary, the payment service provider of the payee and the intermediary payment service provider should have effective risk-based procedures that apply where a transfer of funds lacks the required information on the payer or the payee, or where a transfer of crypto-assets lacks the required information on the originator or the beneficiary, in order to allow them to decide whether to ***remove the received crypto-assets from the customer's disposal or delay*** that transfer ***while further action is requested***, and to determine the appropriate follow-up action to take.

Or. en

*Justification*

*to prevent crypto-assets from leaving the beneficiary's account before further information has been received*

**Amendment 129**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**

**Recital 35**

*Text proposed by the Commission*

(35) The payment service provider of the payee, the intermediary payment service provider and the crypto-asset service provider of the beneficiary should exercise special vigilance, assessing the risks, when either becomes aware that information on the payer or the payee , or the originator or the beneficiary is missing or incomplete, and should report suspicious transactions to the competent authorities in accordance with the reporting obligations set out in **Regulation (EU) [...]** .

*Amendment*

(35) The payment service provider of the payee, the intermediary payment service provider and the crypto-asset service provider of the beneficiary should exercise special vigilance, assessing the risks, when either becomes aware that information on the payer or the payee , or the originator or the beneficiary is missing or incomplete, and should report suspicious transactions to the competent authorities in accordance with the reporting obligations set out in **Directive (EU) 2015/849**.

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to the interaction with other legislations.*

**Amendment 130**

**Aurore Lalucq, Paul Tang**

**Proposal for a regulation**

**Recital 36 a (new)**

*Text proposed by the Commission*

*Amendment*

***(36a) This Regulation does not mandate for the use of a particular technology when crypto-asset service providers transfer transaction information. To ensure the efficient implementation of***

*requirements applicable to crypto-asset service providers under this Regulation, standard setting initiatives involving or led by the crypto-asset industry will be critical. Those protocols should be interoperable through the use of international or Union-wide standards in order to allow for a swift exchange of information.*

Or. en

### *Justification*

*This amendment is inextricably linked to other admissible amendments relating to risks posed by crypto-asset transfers.*

**Amendment 131**  
**Paul Tang, Aurore Lalucq**

**Proposal for a regulation**  
**Recital 37 a (new)**

*Text proposed by the Commission*

*Amendment*

**(37a)** *Given the high risk of money laundering and terrorist financing posed by crypto-asset service providers that do not adhere to the EU's legal standards, crypto-asset service providers and any other obliged entity should refrain from interacting with such non-compliant crypto-asset service providers. In particular, crypto-asset service providers should not interact with other CASPs that are located in a country included on the EU's AML/CFT list of high risk third countries or on Annex I or Annex II to the EU's list of non-cooperative jurisdictions for tax purposes, that lack sufficient customer identification and verification process, that offer services associated with a high risk of money laundering, that provide services despite not being registered under [Regulation on Markets in crypto-assets] on that have proven links to illegal activities. Given that unhosted wallets do not fulfil any of*

*the above criteria, Crypto-asset service providers should be prohibited from facilitating transfers of crypto-assets to such unhosted wallets. Crypto-asset service providers facilitating transfers to non-compliant crypto asset service providers or to unhosted wallets should be subject to administrative sanctions.*

Or. en

*Justification*

*to complement articles 18a and 18b*

### **Amendment 132**

**Gwendoline Delbos-Corfield, Ernest Urtasun**

### **Proposal for a regulation**

### **Recital 37 a (new)**

*Text proposed by the Commission*

*Amendment*

***(37a) In view of the current lack of common standards and infrastructures necessary to comply with the obligations set out in this Regulation, and in order to ensure a level playing field between crypto-asset service providers operating in this eco-system, especially SMEs and start-ups, competent authorities could grant crypto-asset service providers an additional transitional period to comply with this Regulation, where duly justified by the lack of technological capability and the scale of operations of the obliged entity.***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risks posed by crypto-asset transfers.*

#### Amendment 133

Ondřej Kovařík, Olivier Chastel, Dragoș Pîslaru, Gilles Boyer, Lucia Ďuriš Nicholsonová, Luis Garicano, Caroline Nagtegaal, Fabienne Keller, Dragoș Tudorache, Michal Šimečka

#### Proposal for a regulation

##### Recital 39

*Text proposed by the Commission*

(39) The number of working days in the Member State of the payment service provider of the payer or crypto-asset service provider of the **beneficiary** determines the number of days to respond to requests for information on the payer or the originator .

*Amendment*

(39) The number of working days in the Member State of the payment service provider of the payer or crypto-asset service provider of the **originator** determines the number of days to respond to requests for information on the payer or the originator .

Or. en

#### Amendment 134

Ondřej Kovařík, Bart Groothuis, Caroline Nagtegaal, Olivier Chastel, Dragoș Pîslaru, Gilles Boyer, Lucia Ďuriš Nicholsonová, Luis Garicano, Fabienne Keller, Dragoș Tudorache, Michal Šimečka, Ramona Strugariu

#### Proposal for a regulation

##### Recital 39 a (new)

*Text proposed by the Commission*

*Amendment*

***(39a) The use of mixing and tumbling services should only be allowed in circumstances where it can be shown that the use of such services is necessary to overcome legitimate concerns, such as for privacy reasons. The receiver of crypto-assets that have been used in mixing and tumbling services should demonstrate, where necessary, the legitimacy of the practice for which the crypto-asset is used. Where the legitimacy of its use cannot be proven, the transaction should be prohibited.***

Or. en

## *Justification*

*Mixers (also known as tumblers) play a key role in the facilitation of money laundering involving crypto assets. However, mixing services can be used for legitimate purposes, since protecting your privacy is perfectly legitimate. Therefore, this tool should be prohibited for the use of money laundering, but a complete ban would be inordinate.*

### **Amendment 135**

**Martin Schirdewan, Clare Daly**

### **Proposal for a regulation**

#### **Recital 40**

#### *Text proposed by the Commission*

(40) As it may not be possible in criminal investigations to identify the data required or the individuals involved in a transaction until many months, or even years, after the original transfer of funds or transfer of crypto-assets, and in order to be able to have access to essential evidence in the context of investigations, it is appropriate to require payment service providers or crypto-asset service providers to keep records of information on the payer and the payee or the originator and the beneficiary for a period of time for the purposes of preventing, detecting and investigating money laundering and terrorist financing. That period should be limited to five years, after which all personal data should be deleted unless national law provides otherwise.

#### *Amendment*

(40) As it may not be possible in criminal investigations to identify the data required or the individuals involved in a transaction until many months, or even years, after the original transfer of funds or transfer of crypto-assets, and in order to be able to have access to essential evidence in the context of investigations, it is appropriate to require payment service providers or crypto-asset service providers to keep records of information on the payer and the payee or the originator and the beneficiary for a period of time for the purposes of preventing, detecting and investigating money laundering and terrorist financing. That period should be limited to five years, after which all personal data should be deleted unless national law provides otherwise. ***If necessary for the purposes of preventing, detecting or investigating money laundering or terrorist financing, after carrying out an assessment of the necessity and proportionality of the measure, Member States should be able to allow or require retention of records for a further period of no more than five years, without prejudice to national criminal law on evidence applicable to ongoing criminal investigations and legal proceedings.***

*Justification*

*This amendment is inextricably linked to other admissible amendments with regard to risks posed by crypto-assets transfers. This recital is linked with the proposal to provide the possibility to extent the retention period of personal data.*

**Amendment 136****Lídia Pereira, Lukas Mandl****Proposal for a regulation****Recital 40***Text proposed by the Commission*

(40) As it may not be possible in criminal investigations to identify the data required or the individuals involved in a transaction until many months, or even years, after the original transfer of funds or transfer of crypto-assets , and in order to be able to have access to essential evidence in the context of investigations, it is appropriate to require payment service providers or crypto-asset service providers to keep records of information on the payer and the payee or the originator and the beneficiary for a period of time for the purposes of preventing, detecting and investigating money laundering and terrorist financing. That period should be limited to five years, after which all personal data should be deleted unless national law provides otherwise.

*Amendment*

(40) As it may not be possible in criminal investigations to identify the data required or the individuals involved in a transaction until many months, or even years, after the original transfer of funds or transfer of crypto-assets , and in order to be able to have access to essential evidence in the context of investigations, it is appropriate to require payment service providers or crypto-asset service providers to keep records of information on the payer and the payee or the originator and the beneficiary for a period of time for the purposes of preventing, detecting and investigating money laundering and terrorist financing. That period should be limited to five years, after which all personal data should be **permanently** deleted unless national law provides otherwise.

*Justification*

*This amendment is linked to having a safeguard that personal data is deleted permanently.*

**Amendment 137****Martin Schirdewan, Clare Daly**



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

*Text proposed by the Commission*

(41) In order to improve compliance with this Regulation, and in accordance with the Commission Communication of 9 December 2010 entitled ‘Reinforcing sanctioning regimes in the financial services sector’, the power to adopt supervisory measures and the sanctioning powers of competent authorities should be enhanced. Administrative sanctions and measures should be provided for and, given the importance of the fight against money laundering and terrorist financing, Member States should lay down sanctions and measures that are effective, proportionate and dissuasive. Member States should notify the Commission and the Joint Committee of EBA, EIOPA and ESMA (the ‘ESAs’) thereof.

*Amendment*

(41) In order to improve compliance with this Regulation, and in accordance with the Commission Communication of 9 December 2010 entitled ‘Reinforcing sanctioning regimes in the financial services sector’, the power to adopt supervisory measures and the sanctioning powers of competent authorities should be enhanced. ***Member States should ensure that competent authorities have appropriate resources to effectively fulfil their tasks.*** Administrative sanctions and measures should be provided for and, given the importance of the fight against money laundering and terrorist financing, Member States should lay down sanctions and measures that are effective, proportionate and dissuasive. Member States should notify the Commission and the Joint Committee of EBA, EIOPA and ESMA (the ‘ESAs’) thereof.

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments with regard to risks posed by crypto-assets transfers. This recital is linked to the provision that competent authorities should be equipped appropriately to conduct their supervisory functions with respect to the implementation of the travel rule.*

**Amendment 138**

**Ondřej Kovařík, Olivier Chastel, Dragoș Pișlaru, Gilles Boyer, Lucia Ďuriš Nicholsonová, Luis Garicano, Caroline Nagtegaal, Fabienne Keller, Dragoș Tudorache, Michal Šimečka, Ramona Strugariu**

**Proposal for a regulation**  
**Recital 41 a (new)**

*Text proposed by the Commission*

*Amendment*

***(41a) In order to ensure that competent***

*authorities are able to efficiently investigate suspicious transactions and detect illicit use of crypto-assets and transfers of funds, the supervisory authorities should consider greater use of both regulatory and supervisory technology in their investigative processes.*

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risks posed by crypto-asset transfers.*

**Amendment 139**

**Ondřej Kovařík, Olivier Chastel, Dragoș Pîslaru, Gilles Boyer, Lucia Ďuriš Nicholsonová, Luis Garicano, Caroline Nagtegaal, Fabienne Keller, Dragoș Tudorache, Michal Šimečka, Ramona Strugariu**

**Proposal for a regulation  
Recital 42 a (new)**

*Text proposed by the Commission*

*Amendment*

*(42a) In order to rapidly address concerns about illicit transfers of funds and particularly crypto-assets, it is important that this Regulation enters into force as soon as possible. For that reason, any references to future regulations should not hinder the Union from taking action against the illicit transfer of funds and crypto-assets in the immediate term. This Regulation should be adapted to align with future legislation on Anti-Money Laundering and the Regulation on Markets in Crypto-Assets;*

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments.*

**Amendment 140**

**Andżelika Anna Możdżanowska, Michiel Hoogeveen, Roberts Zile, Bogdan Rzońca,  
Dorien Rookmaker**  
on behalf of the ECR Group

**Proposal for a regulation**

**Recital 45 a (new)**

*Text proposed by the Commission*

*Amendment*

***(45a) Crypto-asset service providers should be exempted from the requirement to ensure that transfers of crypto-assets are accompanied by detailed information on both the originator and beneficiary of the transfers if they can demonstrate that they have implemented technical measures which pursue the same objectives of the Regulation and provide an equivalent level of prevention against money laundering and terrorist financing. For a technical measure to be considered as achieving an equivalent level of prevention against money laundering and terrorist financing, competent authorities should consider the extent to which they are capable of identifying and tracing illicit activities and identifying suspicious accounts.***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risks posed by crypto-asset transfers.*

**Amendment 141**

**Andżelika Anna Możdżanowska, Michiel Hoogeveen, Roberts Zile, Bogdan Rzońca,  
Dorien Rookmaker**  
on behalf of the ECR Group

**Proposal for a regulation**

**Article 1 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

This Regulation lays down rules on the

This Regulation lays down rules on the

information on payers and payees, accompanying transfers of funds, in any currency, and the information on originators and beneficiaries, accompanying transfers of crypto-assets, for the purposes of preventing, detecting and investigating money laundering **and** terrorist financing, where at least one of the payment or crypto-asset service providers involved in the transfer of funds or crypto-assets is established in the Union.

information on payers and payees, accompanying transfers of funds, in any currency, and the information on originators and beneficiaries, accompanying transfers of crypto-assets, for the purposes of preventing, detecting and investigating money laundering, terrorist financing **and avoidance of EU sanction**, where at least one of the payment or crypto-asset service providers involved in the transfer of funds or crypto-assets is established in the Union.

Or. en

### *Justification*

*This amendment is inextricably linked to other admissible amendments.*

#### **Amendment 142**

**Ondřej Kovařík, Olivier Chastel, Dragoș Pîslaru, Gilles Boyer, Lucia Ďuriš Nicholsonová, Luis Garicano, Caroline Nagtegaal, Fabienne Keller, Dragoș Tudorache, Michal Šimečka, Ramona Strugariu**

#### **Proposal for a regulation Article 2 – paragraph 1**

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

1. This Regulation shall apply to transfers of funds, in any currency, or crypto-assets, which are sent or received by a payment service provider, a crypto-asset service provider, or an intermediary payment service provider established in the Union.

##### *Amendment*

1. This Regulation shall apply to transfers of funds, in any currency, or crypto-assets **covered under the scope of Regulation [please insert reference – proposal for a Regulation on Markets in Crypto-assets, and amending Directive (EU) 2019/1937-COM/2020/593 final], as well as those crypto-assets which would fall under existing financial legislation as outlined in Article 2 paragraph 2 of [please insert reference – proposal for a Regulation on Markets in Crypto-assets, and amending Directive (EU) 2019/1937-COM/2020/593 final]**, which are sent or received by a payment service provider, a crypto-asset service provider, or an intermediary payment service provider established in the Union.

**Amendment 143**  
**Aurore Lalucq**

**Proposal for a regulation**  
**Article 2 – paragraph 1**

*Text proposed by the Commission*

1. This Regulation shall apply to transfers of funds, in any currency, or crypto-assets, which are sent or received by a payment service provider , a crypto-asset service provider, or an intermediary payment service provider established in the Union.

*Amendment*

1. This Regulation shall apply to transfers of funds, in any currency, or crypto-assets, which are sent or received by a payment service provider , a crypto-asset service provider, or an intermediary payment service provider established in the Union. ***It shall also apply to transfers of crypto-assets as defined in Article 3(10) of this Regulation where the crypto-asset service provider of the originator or the beneficiary is established in the Union.***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risks posed by crypto-asset transfers.*

**Amendment 144**  
**Gilles Boyer, Fabienne Keller, Stéphanie Yon-Courtin, Olivier Chastel, Ramona Strugariu, Michal Šimečka**

**Proposal for a regulation**  
**Article 2 – paragraph 1**

*Text proposed by the Commission*

1. This Regulation shall apply to transfers of funds, in any currency, or crypto-assets, which are sent or received by a payment service provider , a crypto-asset service provider, or an intermediary payment service provider established in the Union.

*Amendment*

1. This Regulation shall apply to transfers of funds ***regardless of the amount***, in any currency, or crypto-assets, which are sent or received by a payment service provider , a crypto-asset service provider, or an intermediary payment service provider established in the Union.

*Justification*

*A threshold creates a risk that individuals perform multiple small transactions that may be easily misappropriated for criminal purposes and can be hardly detected. We would need to identify and verify the identity of customers for all transactions, including occasional ones, regardless of the amount.*

**Amendment 145****Lídia Pereira, Lukas Mandl****Proposal for a regulation****Article 2 – paragraph 2***Text proposed by the Commission*

2. This Regulation shall not apply to the services listed in ***points (a) to (m) and (o) of Article 3 of Directive (EU) 2015/2366.***

*Amendment*

2. This Regulation shall not apply to the services listed in Article 3 of Directive (EU) 2015/2366.

*Justification*

*Systematic coherence with Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC. The exclusion of the exemption provisioned in Article 3 - point (n) is not properly justified and creates a differentiated regime for the relations between parent undertakings and its subsidiaries and between subsidiaries themselves.*

**Amendment 146****Martin Schirdewan, Clare Daly****Proposal for a regulation****Article 2 – paragraph 2 a (new)***Text proposed by the Commission**Amendment*

***2a. This Regulation shall also apply to transfers of crypto-assets executed by means of kiosks connected to a distributed ledger network known as crypto-asset automated teller machines (“crypto-***

*ATMs”).*

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers. Crypto-ATM should be included in the scope of this Regulation as long as they provide or actively facilitate transfers of crypto-assets.*

**Amendment 147**

**Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. This Regulation shall not apply to the European Central Bank and the national central banks of the Member States when acting in their capacity as a monetary authority or other public authority.**

Or. fr

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risks posed by crypto-asset transfers.*

**Amendment 148**

**Gilles Boyer, Fabienne Keller, Stéphanie Yon-Courtin, Olivier Chastel, Ondřej Kovařík, Ramona Strugariu, Michal Šimečka**

**Proposal for a regulation**

**Article 2 – paragraph 3 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) that card, instrument or device is used exclusively to pay for goods **or** services; and

(a) that card, instrument or device is used exclusively to pay for **consumer** goods **and** services **only**; and

Or. en

### *Justification*

*The exemptions seem insufficiently precise. It opens up anonymous sales of prepaid coupons that may give rise to risky transactions*

#### **Amendment 149**

**Gilles Boyer, Fabienne Keller, Stéphanie Yon-Courtin, Olivier Chastel, Ondřej Kovařík, Ramona Strugariu, Michal Šimečka**

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

#### **Article 2 – paragraph 3 – subparagraph 2**

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

However, this Regulation shall apply when a payment card, an electronic money instrument or a mobile phone, or any other digital or IT prepaid or postpaid device with similar characteristics, is used in order to effect a person-to-person transfer of funds or crypto-assets .

##### *Amendment*

***This regulation shall not apply either to transfers involving crypto-assets carried out by actors regulated under Directive 2015/2366 using payment card or an electronic money instrument or any other digital or IT prepaid or postpaid device with similar characteristics where the conditions referred to in points (a) and (b) are met.*** However, this Regulation shall apply when a payment card, an electronic money instrument or a mobile phone, or any other digital or IT prepaid or postpaid device with similar characteristics, is used in order to effect a person-to-person transfer of funds or crypto-assets .

Or. en

### *Justification*

*This amendment is inextricably linked to other admissible amendments relating to risks posed by crypto-asset transfers.*

#### **Amendment 150**

**Martin Schirdewan, Clare Daly**

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

#### **Article 2 – paragraph 3 – subparagraph 2**



*Text proposed by the Commission*

However, this Regulation shall apply when a payment card, an electronic money instrument or a mobile phone, or any other digital or IT prepaid or postpaid device with similar characteristics, is used in order to effect a person-to-person transfer of funds or crypto-assets .

*Amendment*

However, this Regulation shall apply **for any transfer effectuated with a crypto-asset debit card, including to pay for goods or services, and** when a payment card, an electronic money instrument or a mobile phone, or any other digital or IT prepaid or postpaid device with similar characteristics, is used in order to effect a person-to-person transfer of funds or crypto-assets.

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers. Crypto-asset debit cards should be included in the scope of this Regulation as long as they provide or actively facilitate transfers of crypto-assets.*

**Amendment 151**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**

**Article 2 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

However, this Regulation shall apply when a payment card, an electronic money instrument or a mobile phone, or any other digital or IT prepaid or postpaid device with similar characteristics, is used in order to effect a person-to-person transfer of funds **or crypto-assets** .

*Amendment*

However, this Regulation shall apply when a payment card, an electronic money instrument or a mobile phone, or any other digital or IT prepaid or postpaid device with similar characteristics, is used in order to effect a person-to-person transfer of funds.

Or. en

*Justification*

*Guarantee systematic coherence of the article, following the Council position on the matter.*

**Amendment 152**  
**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**  
**Article 2 – paragraph 4 – subparagraph 2 – point b**

*Text proposed by the Commission*

(b) they constitute transfers of funds *or crypto-assets* to a public authority as payment for taxes, fines or other levies within a Member State;

*Amendment*

(b) they constitute transfers of funds to a public authority as payment for taxes, fines or other levies within a Member State;

Or. en

**Amendment 153**  
**Ondřej Kovařík, Olivier Chastel, Dragoș Pîslaru, Gilles Boyer, Lucia Ďuriš Nicholsonová, Luis Garicano, Caroline Nagtegaal, Fabienne Keller, Dragoș Tudorache, Michal Šimečka, Ramona Strugariu**

**Proposal for a regulation**  
**Article 2 – paragraph 4 – subparagraph 4**

*Text proposed by the Commission*

This Regulation shall not apply to person-to-person transfer of crypto-assets.

*Amendment*

This Regulation shall not apply to person-to-person transfer of crypto-assets *where it is determined that these transactions are carried out by natural persons who are identifiable.*

Or. en

**Amendment 154**  
**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**  
**Article 2 – paragraph 4 – subparagraph 4**

*Text proposed by the Commission*

This Regulation shall not apply to person-to-person transfer of crypto-assets.

*Amendment*

This Regulation shall not apply to person-to-person transfer of crypto-assets *as defined in Article 3(14).*

*Justification*

*Ensure systematic coherence and in line with Council position.*

**Amendment 155**

**Markus Ferber**

**Proposal for a regulation**

**Article 2 – paragraph 4 – subparagraph 4**

*Text proposed by the Commission*

This Regulation shall not apply to person-to-person transfer of crypto-assets.

*Amendment*

This Regulation shall not apply to person-to-person transfer of crypto-assets ***as defined in Article 3(14) of this regulation.***

Or. en

**Amendment 156**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**

**Article 2 – paragraph 4 – subparagraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***The scope of this Regulation does not extend to crypto-assets, that are not admitted to trading on a trading platform for crypto-assets.***

Or. en

*Justification*

*Blockchain technology offers a wide range of applications, that include also artwork, collectibles, digital identities, loyalty points and in-game items. Without the proposed exemptions, this could mean that tokenized fashion items would fall under the scope of the regulation.*

**Amendment 157**

**Markus Ferber**

**Proposal for a regulation**  
**Article 2 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. This Regulation shall not apply to the providers of ancillary infrastructure needed for the transfer of crypto-assets.**

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risks posed by crypto-asset transfers.*

**Amendment 158**  
**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**  
**Article 2 – paragraph 5 – introductory part**

*Text proposed by the Commission*

*Amendment*

5. A Member State may decide not to apply this Regulation to transfers of funds **or transfers of crypto-assets** within its territory to a payee's payment **account or a beneficiary's** account permitting payment exclusively for the provision of goods or services where all of the following conditions are met:

5. A Member State may decide not to apply this Regulation to transfers of funds within its territory to a payee's payment account permitting payment exclusively for the provision of goods or services where all of the following conditions are met:

Or. en

**Amendment 159**  
**Paul Tang, Aurore Lalucq**

**Proposal for a regulation**  
**Article 2 – paragraph 5 – introductory part**

*Text proposed by the Commission*

*Amendment*

5. A Member State may decide not to apply this Regulation to transfers of funds

5. A Member State may decide not to apply this Regulation to transfers of funds

**or transfers of crypto-assets** within its territory to a payee's payment account or a beneficiary's account permitting payment exclusively for the provision of goods or services where all of the following conditions are met:

within its territory to a payee's payment account or a beneficiary's account permitting payment exclusively for the provision of goods or services where all of the following conditions are met:

Or. en

*Justification*

*for all AMs in this article: since crypto transfers are hard to pinpoint to individual countries, it would be unjustified to allow member states to exempt certain transfers of crypto-assets.*

**Amendment 160**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**

**Article 2 – paragraph 5 – point a**

*Text proposed by the Commission*

(a) the payment service provider or the crypto-asset service provider of the payee or the beneficiary is subject to ***[please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]***;

*Amendment*

(a) the payment service provider or the crypto-asset service provider of the payee or the beneficiary is subject to Directive (EU) 2015/849;

Or. en

*Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

**Amendment 161**

**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**

**Article 2 – paragraph 5 – point a**

*Text proposed by the Commission*

(a) the payment ***service provider or the crypto-asset*** service provider of the payee ***or the beneficiary*** is subject to [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849];

*Amendment*

(a) the payment service provider of the payee is subject to [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849];

Or. en

**Amendment 162**

**Paul Tang, Aurore Lalucq**

**Proposal for a regulation**

**Article 2 – paragraph 5 – point a**

*Text proposed by the Commission*

(a) the payment ***service provider or the crypto-asset*** service provider of the payee ***or the beneficiary*** is subject to [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849];

*Amendment*

(a) the payment service provider of the payee is subject to [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849];

Or. en

**Amendment 163**

**Paul Tang, Aurore Lalucq**

**Proposal for a regulation**

**Article 2 – paragraph 5 – point b**

*Text proposed by the Commission*

(b) the payment service provider of the payee ***or the crypto-asset service provider of the beneficiary*** is able to trace back, through the payee, by means of a unique

*Amendment*

(b) the payment service provider of the payee is able to trace back, through the payee, by means of a unique transaction identifier, the transfer of funds from the

transaction identifier, the transfer of funds *or, for transfers of crypto-assets, through the beneficiary, by means allowing to identify individually the transfers of crypto-assets on the distributed ledger,* from the person who has an agreement with the payee *or the beneficiary* for the provision of goods or services;

person who has an agreement with the payee for the provision of goods or services;

Or. en

**Amendment 164**  
**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**  
**Article 2 – paragraph 5 – point b**

*Text proposed by the Commission*

*Amendment*

(b) the payment service provider of the payee *or the crypto-asset service provider of the beneficiary* is able to trace back, through the payee, by means of a unique transaction identifier, the transfer of funds *or, for transfers of crypto-assets, through the beneficiary, by means allowing to identify individually the transfers of crypto-assets on the distributed ledger,* from the person who has an agreement with the payee *or the beneficiary* for the provision of goods or services;

(b) the payment service provider of the payee is able to trace back, through the payee, by means of a unique transaction identifier, the transfer of funds from the person who has an agreement with the payee for the provision of goods or services;

Or. en

**Amendment 165**  
**Aurore Lalucq**

**Proposal for a regulation**  
**Article 2 – paragraph 5 – point c**

*Text proposed by the Commission*

*Amendment*

(c) *the amount of the transfer of funds or crypto-assets does not exceed*

*deleted*

**EUR 1000.**

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments.*

**Amendment 166**

**Gilles Boyer, Fabienne Keller, Stéphanie Yon-Courtin, Olivier Chastel, Ramona Strugariu, Michal Šimečka**

**Proposal for a regulation**

**Article 2 – paragraph 5 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) the amount of the transfer of funds or crypto-assets does not exceed EUR 1000.** **deleted**

Or. en

*Justification*

*This threshold creates a risk that individuals perform multiple small transactions that may be easily misappropriated for criminal purposes and can be hardly detected.*

**Amendment 167**

**Markus Ferber**

**Proposal for a regulation**

**Article 2 – paragraph 5 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) the amount of the transfer of funds or crypto-assets does not exceed EUR 1000.** **(c) the amount of the transfer of funds or crypto-assets does not exceed *the equivalent of* EUR 1000.**

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments.*



**Amendment 168**  
**Gunnar Beck, Nicolaus Fest**

**Proposal for a regulation**  
**Article 2 – paragraph 5 – point c**

*Text proposed by the Commission*

(c) the amount of the transfer of funds or crypto-assets does not exceed EUR **1000**.

*Amendment*

(c) the amount of the transfer of funds or crypto-assets does not exceed EUR **3000**.

Or. en

*Justification*

*Thresholds needs to be adequate in order not to crowd out this important growth-market, and not to hamper innovation in payment systems, RegTech, blockchain technology and the FinTech sector in general.*

**Amendment 169**  
**Paul Tang, Aurore Lalucq**

**Proposal for a regulation**  
**Article 2 – paragraph 5 – point c**

*Text proposed by the Commission*

(c) the amount of the transfer of funds **or crypto-assets** does not exceed EUR 1000.

*Amendment*

(c) the amount of the transfer of funds does not exceed EUR 1000.

Or. en

**Amendment 170**  
**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**  
**Article 2 – paragraph 5 – point c**

*Text proposed by the Commission*

(c) the amount of the transfer of funds **or crypto-assets** does not exceed EUR 1000.

*Amendment*

(c) the amount of the transfer of funds does not exceed EUR 1000.

**Amendment 171**  
**Fulvio Martusciello**

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

*Text proposed by the Commission*

*Amendment*

**5a. While the transfer of funds from wallets hosted by centralised exchanges to wallets hosted by centralised exchanges is under full responsibility of the centralised crypto-asset service provider, the transfer of funds from unhosted wallets to wallets hosted by centralised exchanges, and vice versa, shall imply a limited liability of the receiving wallet.**

Or. en

*Justification*

*By requiring transfers from unhosted to hosted wallets to report beneficiary data, more transactions will become transparent. However, the receiving hosted wallets can only be responsible for indicating that the received transfer has (or has not) the full set of required information. The receiving hosted wallet provider should be required to only act with regard to assessing the completeness of the information sent.*

**Amendment 172**  
**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 1**

*Text proposed by the Commission*

*Amendment*

(1) ‘terrorist financing’ means terrorist financing as defined in Article 2(2) of *[please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]*;

(1) ‘terrorist financing’ means terrorist financing as defined in Article 1(5) of Directive (EU) 2015/849;

*Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

**Amendment 173****Lídia Pereira, Lukas Mandl****Proposal for a regulation****Article 3 – paragraph 1 – point 2***Text proposed by the Commission*

(2) ‘money laundering’ means the money laundering activities referred to in Article 2(1) of *[please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]*;

*Amendment*

(2) ‘money laundering’ means the money laundering activities referred to in Article 1(3) and (4) of Directive (EU) 2015/849;

*Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

**Amendment 174****Lídia Pereira, Lukas Mandl****Proposal for a regulation****Article 3 – paragraph 1 – point 10***Text proposed by the Commission*

(10) ‘transfer of crypto-assets’ means any transaction at least partially carried out by electronic means *on behalf of an*

*Amendment*

(10) ‘transfer of crypto-assets’ means any transaction *conducted on behalf of a natural or legal person*, at least partially

**originator** through a crypto-asset service provider, with a view to making crypto-assets available to a beneficiary through a crypto-asset service provider, irrespective of whether the originator and the beneficiary are the same person and irrespective of whether the crypto-asset service provider of the originator and that of the beneficiary are one and the same.

carried out by electronic means, through a crypto-asset service provider, with a view to making crypto-assets available to a beneficiary through a crypto-asset service provider **that moves the crypto-assets from one crypto-asset address or account to another**, irrespective of whether the originator and the beneficiary are the same **natural or legal** person and irrespective of whether the crypto-asset service provider of the originator and that of the beneficiary are one and the same.

Or. en

### *Justification*

*Ensure legal clarity and in line with FATF recommendations.*

## **Amendment 175**

**Markus Ferber**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 10**

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

(10) ‘transfer of crypto-assets’ means any transaction **at least partially carried out by electronic means on behalf of an originator through a crypto-asset service provider, with a view to making** crypto-assets **available to a beneficiary through a** crypto-asset service provider, irrespective of whether the originator and the beneficiary are the same person and irrespective of whether the crypto-asset service provider of the originator and that of the beneficiary are one and the same.

##### *Amendment*

(10) ‘transfer of crypto-assets’ means any transaction **with the aim of moving** crypto-assets **from one distributed ledger address or crypto-asset account to another, carried out or received by at least one** crypto-asset service provider **acting on behalf of either an originator or a beneficiary**, irrespective of whether the originator and the beneficiary are the same person and irrespective of whether the crypto-asset service provider of the originator and that of the beneficiary are one and the same

Or. en

## **Amendment 176**

**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 10**

*Text proposed by the Commission*

(10) ‘transfer of crypto-assets’ means any transaction *at least partially carried out by electronic means on behalf of an originator through a crypto-asset service provider, with a view to making* crypto-assets *available to a beneficiary through a* crypto-asset service provider, irrespective of whether the originator and the beneficiary are the same person and irrespective of whether the crypto-asset service provider of the originator and that of the beneficiary are one and the same.

*Amendment*

(10) ‘transfer of crypto-assets’ means any transaction *with the aim to moving* crypto-assets *from one distributed ledger address or crypto-asset account to another, carried out or received by at least one* crypto-asset service provider *acting on behalf of either an originator or a beneficiary*, irrespective of whether the originator and the beneficiary are the same person and irrespective of whether the crypto-asset service provider of the originator and that of the beneficiary are one and the same.

Or. en

**Amendment 177**

**Ondřej Kovařík, Olivier Chastel, Dragoș Pîslaru, Gilles Boyer, Lucia Ďuriš Nicholsonová, Luis Garicano, Caroline Nagtegaal, Fabienne Keller, Dragoș Tudorache, Michal Šimečka, Ramona Strugariu**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 13**

*Text proposed by the Commission*

(13) ‘person-to-person transfer of funds’ means a transaction between natural persons acting, as consumers, *for purposes other than trade, business or profession*;

*Amendment*

(13) ‘person-to-person transfer of funds’ means a transaction between *identifiable* natural persons acting as consumers;

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments.*

**Amendment 178**

**Ondřej Kovařík, Olivier Chastel, Dragoș Pîslaru, Gilles Boyer, Lucia Ďuriš Nicholsonová, Luis Garicano, Caroline Nagtegaal, Fabienne Keller, Dragoș Tudorache,**

**Michal Šimečka, Ramona Strugariu**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 14**

*Text proposed by the Commission*

(14) ‘person-to-person transfer of crypto-assets’ means a transaction between natural persons acting, as consumers, ***for purposes other than trade, business or profession***, without the use or involvement of a crypto-asset service provider or other obliged entity;

*Amendment*

(14) ‘person-to-person transfer of crypto-assets’ means a transaction between ***identifiable*** natural persons acting as consumers, without the use or involvement of a crypto-asset service provider or other obliged entity;

Or. en

**Amendment 179**

**Ondřej Kovařík, Olivier Chastel, Dragoș Pîslaru, Gilles Boyer, Lucia Ďuriš Nicholsonová, Luis Garicano, Caroline Nagtegaal, Fabienne Keller, Dragoș Tudorache, Michal Šimečka, Ramona Strugariu**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 15**

*Text proposed by the Commission*

(15) ‘*crypto-asset*’ means a crypto-asset as defined in Article 3(1), point 2 of Regulation [please insert reference – proposal for a Regulation on Markets in Crypto-assets, and amending Directive (EU) 2019/1937-COM/2020/593 final] except when falling under the categories listed in Article 2(2) of that Regulation or otherwise qualifying as funds.

*Amendment*

(15) ‘crypto-asset’ means a ***digital representation of a value or a right for direct investment or finance purposes that uses cryptography for security and is in the form of a coin or a token or any other digital medium of distributed ledgers, and which may be transferred and stored electronically, using distributed ledger technology or similar technology.***

Or. en

**Amendment 180**

**Ondřej Kovařík, Olivier Chastel, Dragoș Pîslaru, Gilles Boyer, Lucia Ďuriš Nicholsonová, Luis Garicano, Caroline Nagtegaal, Fabienne Keller, Dragoș Tudorache, Michal Šimečka, Ramona Strugariu**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 16**

*Text proposed by the Commission*

(16) ‘crypto-asset service provider’ means ***a crypto-asset service provider as defined in Article 3(1), point (8) of [please insert reference – proposal for a Regulation on Markets in Crypto-assets, and amending Directive (EU) 2019/1937-COM/2020/593 final] where performing one or more crypto-asset services as defined in Article 3(1) point (9) of [please insert reference – proposal for a Regulation on Markets in Crypto-assets, and amending Directive (EU) 2019/1937-COM/2020/593 final];***

*Amendment*

(16) ‘crypto-asset service provider’ means ***any person whose occupation or business is the provision of one or more crypto-asset services to third parties on a professional basis;***

Or. en

**Amendment 181**  
**Ernest Urtasun, Assita Kanko**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16a) ‘intermediary crypto-asset service provider’ means a crypto-asset service provider or other obliged entity that is not the crypto-asset service provider of the originator or of the beneficiary and that receives and transmits a transfer of crypto-assets on behalf of the crypto-asset service provider of the originator or of the beneficiary or of another intermediary crypto-asset service provider;***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers.*

**Amendment 182**  
**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 17 a (new)**

*Text proposed by the Commission*

*Amendment*

**(17a) ‘unhosted wallet’ means a distributed ledger address that is not linked to a crypto-asset services provider;**

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers. Definition linked to the proposal to include transfers from/to unhosted wallets into the scope of this Regulation, as long as one obliged entity is involved.*

**Amendment 183**  
**Aurore Lalucq**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the payer's address, official personal document number, customer identification number or date and place of birth;

(c) the payer's address, **including the name of the country**, official personal document number, customer identification number or date and place of birth;

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments.*

**Amendment 184**  
**Aurore Lalucq, Paul Tang**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point d**



*Text proposed by the Commission*

(d) subject to the existence of the necessary field in the relevant payments message format, and where provided by the payer to the payer's Payment service provider, the current Legal Entity Identifier of the payer.

*Amendment*

(d) subject to the existence of the necessary field in the relevant payments message format, and where provided by the payer to the payer's Payment service provider, the current Legal Entity Identifier of the payer ***or, in its absence, any official equivalent identifier available.***

Or. en

**Amendment 185**

**Aurore Lalucq, Paul Tang**

**Proposal for a regulation**

**Article 4 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) subject to the existence of the necessary field in the relevant payments message format, and where provided by the payer to the payer's Payment service provider, the current Legal Entity Identifier of the payee.

*Amendment*

(d) subject to the existence of the necessary field in the relevant payments message format, and where provided by the payer to the payer's Payment service provider, the current Legal Entity Identifier of the payee ***or, in its absence, any official equivalent identifier available.***

Or. en

**Amendment 186**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**

**Article 4 – paragraph 5 – point a**

*Text proposed by the Commission*

(a) a payer's identity has been verified in accordance with ***Articles 16, 37 and 18(3) of [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money***

*Amendment*

(a) a payer's identity has been verified in accordance with ***Article 13 of*** Directive (EU) 2015/849 and the information obtained pursuant to that verification has been stored in accordance with Article 40 of that ***Directive***; or

***laundersing or terrorist financing and repealing*** Directive (EU) 2015/849] and the information obtained pursuant to that verification has been stored in accordance with Article 56 of that ***Regulation***; or

Or. en

*Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

**Amendment 187**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**

**Article 4 – paragraph 5 – point b**

*Text proposed by the Commission*

(b) Article 21(2) and (3) of [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849] applies to the payer.

*Amendment*

(b) Article 14(5) of Directive (EU) 2015/849 applies to the payer.

Or. en

*Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

**Amendment 188**

**Gilles Boyer, Fabienne Keller, Stéphanie Yon-Courtin, Olivier Chastel, Ramona Strugariu, Michal Šimečka**

**Proposal for a regulation**  
**Article 5 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) for transfers of funds **exceeding EUR 1000**, whether those transfers are carried out in a single transaction or in several transactions which appear to be linked, the information on the payer or the payee in accordance with Article 4;

*Amendment*

(a) for **all** transfers of funds **regardless of the amount**, whether those transfers are carried out in a single transaction or in several transactions which appear to be linked, the information on the payer or the payee in accordance with Article 4;

Or. en

*Justification*

*This threshold creates a risk that individuals perform multiple small transactions that may be easily misappropriated for criminal purposes and can be hardly detected.*

**Amendment 189**  
**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**  
**Article 5 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) for transfers of funds exceeding EUR 1000, whether those transfers are carried out in a single transaction or in several transactions which appear to be linked, the information on the payer or the payee in accordance with Article 4;

*Amendment*

(a) for transfers of funds exceeding EUR 1000, **calculated based on the moment the transfer is ordered, in line with the FATF standards**, whether those transfers are carried out in a single transaction or in several transactions which appear to be linked, the information on the payer or the payee in accordance with Article 4;

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to keep the exemption for transfers not exceeding EUR 1000 in line with FATF standards.*

**Amendment 190**  
**Gunnar Beck, Nicolaus Fest**

**Proposal for a regulation**  
**Article 5 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) for transfers of funds exceeding EUR **1000**, whether those transfers are carried out in a single transaction or in several transactions which appear to be linked, the information on the payer or the payee in accordance with Article 4;

*Amendment*

(a) for transfers of funds exceeding EUR **3000**, whether those transfers are carried out in a single transaction or in several transactions which appear to be linked, the information on the payer or the payee in accordance with Article 4;

Or. en

*Justification*

*Thresholds needs to be adequate in order not to crowd out this important growth-market, and not to hamper innovation in payment systems, RegTech, blockchain technology and the FinTech sector in general.*

**Amendment 191**  
**Andżelika Anna Możdżanowska, Michiel Hoogeveen, Roberts Zile, Bogdan Rzońca, Dorien Rookmaker**  
on behalf of the ECR Group

**Proposal for a regulation**  
**Article 5 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) for transfers of funds exceeding EUR **1000**, whether those transfers are carried out in a single transaction or in several transactions which appear to be linked, the information on the payer or the payee in accordance with Article 4;

*Amendment*

(a) for transfers of funds exceeding EUR **5000**, whether those transfers are carried out in a single transaction or in several transactions which appear to be linked, the information on the payer or the payee in accordance with Article 4;

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments.*

## Amendment 192

Gilles Boyer, Fabienne Keller, Stéphanie Yon-Courtin, Olivier Chastel, Ramona Strugariu, Michal Šimečka

### Proposal for a regulation

#### Article 5 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

**(b) for transfers of funds not exceeding EUR 1000 that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR 1000, at least:**

**deleted**

**(i) the names of the payer and of the payee; and**

**(ii) the payment account numbers of the payer and of the payee or, where Article 4(3) applies, the unique transaction identifier.**

Or. en

#### *Justification*

*This threshold creates a risk that individuals perform multiple small transactions that may be easily misappropriated for criminal purposes and can be hardly detected.*

## Amendment 193

Lídia Pereira, Lukas Mandl

### Proposal for a regulation

#### Article 5 – paragraph 2 – point b – introductory part

*Text proposed by the Commission*

*Amendment*

**(b) for transfers of funds not exceeding EUR 1000 that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR 1000, at least:**

**(b) for transfers of funds not exceeding EUR 1000, *in line with the FATF standards*, that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR 1000, at least:**

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to keep the exemption for transfers not exceeding EUR 1000 in line with FATF standards.*

**Amendment 194**

**Gunnar Beck, Nicolaus Fest**

**Proposal for a regulation**

**Article 5 – paragraph 2 – point b – introductory part**

*Text proposed by the Commission*

(b) for transfers of funds not exceeding EUR **1000** that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR **1000**, at least:

*Amendment*

(b) for transfers of funds not exceeding EUR **3000** that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR **3000**, at least:

Or. en

*Justification*

*Thresholds needs to be adequate in order not to crowd out this important growth-market, and not to hamper innovation in payment systems, RegTech, blockchain technology and the FinTech sector in general.*

**Amendment 195**

**Andżelika Anna Możdżanowska, Michiel Hoogeveen, Roberts Zile, Bogdan Rzońca, Dorien Rookmaker**  
on behalf of the ECR Group

**Proposal for a regulation**

**Article 5 – paragraph 2 – point b – introductory part**

*Text proposed by the Commission*

(b) for transfers of funds not exceeding EUR **1000** that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR **1000**, at least:

*Amendment*

(b) for transfers of funds not exceeding EUR **5000** that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR **5000**, at least:

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments.*

**Amendment 196**

**Gilles Boyer, Fabienne Keller, Stéphanie Yon-Courtin, Olivier Chastel, Ramona Strugariu, Michal Šimečka**

**Proposal for a regulation  
Article 5 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. By way of derogation from Article 4(4), in the case of transfers of funds referred to in paragraph 2, point (b), of this Article, the payment service provider of the payer need not verify the information on the payer unless the payment service provider of the payer:**

**(a) has received the funds to be transferred in cash or in anonymous electronic money; or**

**(b) has reasonable grounds for suspecting money laundering or terrorist financing.**

*deleted*

Or. en

*Justification*

*This threshold creates a risk that individuals perform multiple small transactions that may be easily misappropriated for criminal purposes and can be hardly detected.*

**Amendment 197**

**Fulvio Martusciello**

**Proposal for a regulation  
Article 6 – paragraph 2 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

By way of derogation from Article 4(1), and, where applicable, without prejudice to the information required in accordance with Regulation (EU) No 260/2012, where

By way of derogation from Article 4(1), and, where applicable, without prejudice to the information required in accordance with Regulation (EU) No 260/2012, where

the payment service provider of the payee is established outside the Union, transfers of funds not exceeding EUR 1000 that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR 1000, shall be accompanied by at least:

the payment service provider of the payee is established outside the Union, **and, in the case of transfers of crypto-assets, in line with Financial Action Task Force (FATF) standards**, transfers of funds not exceeding EUR 1000, **calculated based on when the transfer of crypto-assets was sent, and** that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR 1000, shall be accompanied by at least:

Or. en

### *Justification*

*The Guidance for a Risk-Based Approach to Virtual Assets and Virtual Asset Service Providers by the Financial Action Task Force (FATF) ensures proportionality and prevents discrimination against the crypto asset industry. We firmly believe the EU treatment of crypto-asset transfers should be aligned with the FATF, as well as create a level playing field between crypto and wire transfers. In particular, CASPs are subject to the same AML framework as e-money institutions as well as banks, including the requirements to perform customer due diligence, KYC and risk-based assessment of AML threats. Combined with the lack of legacy systems in the sector, CASPs are better positioned to safeguard against practices such as to so-called "smurfing" i.e. the attempt to send multiple small-value transactions from the same originator / to the same beneficiary. One difference between the two types of transfers – the volatility of some crypto-assets – can, and should, be operationally addressed, as the amendment above proposed to do. Finally, lowering some, not all, reporting transactions for transfers of below EUR 1,000 does lower the compliance burden on the industry. Particularly in the absence of common messaging standards for crypto-assets, reconciling the full dataset under this Regulation for each transfer is a significant operational burden, exceeding the cost of establishing different reporting rules for transfers below and above EUR 1,000.*

### **Amendment 198**

**Lídia Pereira, Lukas Mandl**

### **Proposal for a regulation**

### **Article 6 – paragraph 2 – subparagraph 1 – introductory part**

#### *Text proposed by the Commission*

By way of derogation from Article 4(1), and, where applicable, without prejudice to the information required in accordance with Regulation (EU) No 260/2012, where the payment service provider of the payee

#### *Amendment*

By way of derogation from Article 4(1), and, where applicable, without prejudice to the information required in accordance with Regulation (EU) No 260/2012, where the payment service provider of the payee



is established outside the Union, transfers of funds not exceeding EUR 1000 that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR 1000, shall be accompanied by at least:

is established outside the Union, ***in line with FATF standards***, transfers of funds not exceeding EUR 1000, ***calculated based on the moment the transfer is ordered***, ***and*** that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR 1000, shall be accompanied by at least:

Or. en

#### *Justification*

*Main objective is to ensure this article is adapted to the reality of crypto-assets, given the volatility of some of them.*

### **Amendment 199**

**Gunnar Beck, Nicolaus Fest**

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

#### **Article 6 – paragraph 2 – subparagraph 1 – introductory part**

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

By way of derogation from Article 4(1), and, where applicable, without prejudice to the information required in accordance with Regulation (EU) No 260/2012, where the payment service provider of the payee is established outside the Union, transfers of funds not exceeding EUR **1000** that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR **1000**, shall be accompanied by at least:

##### *Amendment*

By way of derogation from Article 4(1), and, where applicable, without prejudice to the information required in accordance with Regulation (EU) No 260/2012, where the payment service provider of the payee is established outside the Union, ***and where crypto-assets are subject to a transfer, in alignment with FATF standards***, transfers of funds not exceeding EUR **3000** that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR **3000**, shall be accompanied by at least:

Or. en

#### *Justification*

*Aligning this provision with the international standard framework set by the Financial Action Task Force (FATF) ensures proportionality and prevents discrimination against the crypto-asset industry.*

## Amendment 200

**Andželika Anna Możdżanowska, Michiel Hoogeveen, Roberts Zile, Bogdan Rzońca, Dorien Rookmaker**  
on behalf of the ECR Group

### Proposal for a regulation

#### Article 6 – paragraph 2 – subparagraph 1 – introductory part

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

By way of derogation from Article 4(1), and, where applicable, without prejudice to the information required in accordance with Regulation (EU) No 260/2012, where the payment service provider of the payee is established outside the Union, transfers of funds not exceeding EUR **1000** that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR **1000**, shall be accompanied by at least:

##### *Amendment*

By way of derogation from Article 4(1), and, where applicable, without prejudice to the information required in accordance with Regulation (EU) No 260/2012, where the payment service provider of the payee is established outside the Union, transfers of funds not exceeding EUR **5000** that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR **5000**, shall be accompanied by at least:

Or. en

##### *Justification*

*This amendment is inextricably linked to other admissible amendments.*

## Amendment 201

**Gilles Boyer, Fabienne Keller, Stéphanie Yon-Courtin, Olivier Chastel, Ramona Strugariu, Michal Šimečka**

### Proposal for a regulation

#### Article 7 – paragraph 3

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

3. ***In the case of*** transfers of funds ***exceeding EUR 1000***, whether those transfers are carried out in a single transaction or in several transactions which appear to be linked, before crediting the payee's payment account or making the funds available to the payee, the payment service provider of the payee shall verify the accuracy of the information on the payee referred to in paragraph 2 of this Article on the basis of documents, data or

##### *Amendment*

3. ***For all*** transfers of funds, ***regardless of the amount, and*** whether those transfers are carried out in a single transaction or in several transactions which appear to be linked, before crediting the payee's payment account or making the funds available to the payee, the payment service provider of the payee shall verify the accuracy of the information on the payee referred to in paragraph 2 of this Article on the basis of documents, data or

information obtained from a reliable and independent source, without prejudice to the requirements laid down in Articles 83 and 84 of Directive (EU) 2015/2366 .

information obtained from a reliable and independent source, without prejudice to the requirements laid down in Articles 83 and 84 of Directive (EU) 2015/2366 .

Or. en

*Justification*

*This threshold creates a risk that individuals perform multiple small transactions that may be easily misappropriated for criminal purposes and can be hardly detected.*

**Amendment 202**

**Gunnar Beck, Nicolaus Fest**

**Proposal for a regulation**

**Article 7 – paragraph 3**

*Text proposed by the Commission*

3. In the case of transfers of funds exceeding EUR **1000**, whether those transfers are carried out in a single transaction or in several transactions which appear to be linked, before crediting the payee's payment account or making the funds available to the payee, the payment service provider of the payee shall verify the accuracy of the information on the payee referred to in paragraph 2 of this Article on the basis of documents, data or information obtained from a reliable and independent source, without prejudice to the requirements laid down in Articles 83 and 84 of Directive (EU) 2015/2366 .

*Amendment*

3. In the case of transfers of funds exceeding EUR **3000**, whether those transfers are carried out in a single transaction or in several transactions which appear to be linked, before crediting the payee's payment account or making the funds available to the payee, the payment service provider of the payee shall verify the accuracy of the information on the payee referred to in paragraph 2 of this Article on the basis of documents, data or information obtained from a reliable and independent source, without prejudice to the requirements laid down in Articles 83 and 84 of Directive (EU) 2015/2366 .

Or. en

*Justification*

*Thresholds needs to be adequate in order not to crowd out this important growth-market, and not to hamper innovation in payment systems, RegTech, blockchain technology and the FinTech sector in general.*

## Amendment 203

Gilles Boyer, Fabienne Keller, Stéphanie Yon-Courtin, Olivier Chastel, Ramona Strugariu, Michal Šimečka

### Proposal for a regulation

#### Article 7 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. *In the case of transfers of funds not exceeding EUR 1000 that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR 1000, the payment service provider of the payee need not verify the accuracy of the information on the payee, unless the payment service provider of the payee:*
- (a) effects the pay-out of the funds in cash or in anonymous electronic money; or*
- (b) has reasonable grounds for suspecting money laundering or terrorist financing.*
- deleted*

Or. en

#### *Justification*

*This threshold creates a risk that individuals perform multiple small transactions that may be easily misappropriated for criminal purposes and can be hardly detected.*

## Amendment 204

Gunnar Beck, Nicolaus Fest

### Proposal for a regulation

#### Article 7 – paragraph 4 – introductory part

*Text proposed by the Commission*

*Amendment*

4. In the case of transfers of funds not exceeding EUR **1000** that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR **1000**, the payment service provider of the payee need not verify the
4. In the case of transfers of funds not exceeding EUR **3000** that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR **3000**, the payment service provider of the payee need not verify the

accuracy of the information on the payee, unless the payment service provider of the payee:

accuracy of the information on the payee, unless the payment service provider of the payee:

Or. en

*Justification*

*Thresholds needs to be adequate in order not to crowd out this important growth-market, and not to hamper innovation in payment systems, RegTech, blockchain technology and the FinTech sector in general.*

**Amendment 205**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**

**Article 7 – paragraph 5 – point a**

*Text proposed by the Commission*

*Amendment*

(a) a payee's identity has been verified in accordance with **Articles 16, 37 and 18(3) of [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]** and the information obtained pursuant to that verification has been stored in accordance with Article **56** of that **Regulation**; or

(a) a payee's identity has been verified in accordance with **Article 13 of** Directive (EU) 2015/849 and the information obtained pursuant to that verification has been stored in accordance with Article **40** of that **Directive**; or

Or. en

*Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

**Amendment 206**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point b**

*Text proposed by the Commission*

(b) Article **21(2) and (3) of [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]** applies to the payee.

*Amendment*

(b) Article **14(5) of Directive 2015/849** applies to the payee.

Or. en

*Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

**Amendment 207**  
**Lídia Pereira, Lukas Mandl**

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

*Text proposed by the Commission*

The payment service provider of the payee shall implement effective risk-based procedures, including procedures based on the risk-sensitive basis referred to in Article **16 of [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]**, for determining whether to execute, reject or suspend a transfer of funds lacking the required complete payer and payee information and for taking the appropriate follow-up action.

*Amendment*

The payment service provider of the payee shall implement effective risk-based procedures, including procedures based on the risk-sensitive basis referred to in Article **13 of Directive (EU) 2015/849** for determining whether to execute, reject or suspend a transfer of funds lacking the required complete payer and payee information and for taking the appropriate follow-up action.

Or. en

### *Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

#### **Amendment 208**

**Lídia Pereira, Lukas Mandl**

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

#### **Article 8 – paragraph 2 – subparagraph 2**

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

The payment service provider of the payee shall report that failure, and the steps taken, to the competent authority responsible for monitoring compliance with anti-money laundering and counter terrorist financing provisions.

##### *Amendment*

The payment service provider of the payee shall report that failure, and the steps taken, ***at the shortest possible term***, to the competent authority responsible for monitoring compliance with anti-money laundering and counter terrorist financing provisions.

Or. en

### *Justification*

*This amendment is inextricably linked to other admissible amendments relating to guarantee that as soon as possible a report on failure will happen.*

#### **Amendment 209**

**Lídia Pereira, Lukas Mandl**

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

#### **Article 9 – paragraph 1**

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

The payment service provider of the payee shall take into account missing or incomplete information on the payer or the payee as a factor when assessing whether a transfer of funds, or any related transaction, is suspicious and whether it is to be reported to the Financial Intelligence Unit (FIU) in accordance with *[please*

##### *Amendment*

The payment service provider of the payee shall take into account missing or incomplete information on the payer or the payee as a factor when assessing whether a transfer of funds, or any related transaction, is suspicious and whether it is to be reported to the Financial Intelligence Unit (FIU) in accordance with Directive

*insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing* Directive (EU) 2015/849].

(EU) 2015/849.

Or. en

#### *Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

#### **Amendment 210**

**Lídia Pereira, Lukas Mandl**

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

#### **Article 12 – paragraph 1 – subparagraph 2**

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

Where the intermediary payment service provider becomes aware, when receiving transfers of funds, that the information referred to in Article 4(1), points (a), (b) and (c), Article 4, points (2)(a) and (b), Article 5(1) or Article 6 is missing or has not been filled in using characters or inputs admissible in accordance with the conventions of the messaging or payment and settlement system as referred to in Article 7(1) it shall reject the transfer or ask for the required information on the payer and the payee before or after the transmission of the transfer of funds, on a risk-sensitive basis.

##### *Amendment*

Where the intermediary payment service provider becomes aware, when receiving transfers of funds, that the information referred to in Article 4(1), points (a), (b) and (c), Article 4, points (2)(a) and (b), Article 5(1) or Article 6 is missing or has not been filled in using characters or inputs admissible in accordance with the conventions of the messaging or payment and settlement system as referred to in Article 7(1) it shall ***immediately*** reject the transfer or ask for the required information on the payer and the payee, ***to be provided at the shortest possible term***, before or after the transmission of the transfer of funds, on a risk-sensitive basis.

Or. en

#### *Justification*

*This amendment is inextricably linked to other admissible amendments relating to guarantee that as soon as possible a report on failure will happen.*



## Amendment 211

Lídia Pereira, Lukas Mandl

### Proposal for a regulation

#### Article 12 – paragraph 2 – subparagraph 1

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

Where a payment service provider repeatedly fails to provide the required information on the payer or the payee, the intermediary payment service provider shall take steps, which may initially include the issuing of warnings and setting of deadlines, before either rejecting any future transfers of funds from that payment service provider, or restricting or terminating its business relationship with that payment service provider.

##### *Amendment*

Where a payment service provider repeatedly fails to provide the required information on the payer or the payee, the intermediary payment service provider shall take steps, which may initially include the issuing of warnings and setting of deadlines, before either rejecting any future transfers of funds from that payment service provider, or restricting or terminating its business relationship with that payment service provider, ***duly justifying such decision on a communication to the payment service provider.***

Or. en

##### *Justification*

*This amendment is inextricably linked to other admissible amendments relating to get a justification on issuing of warnings and setting deadlines.*

## Amendment 212

Lídia Pereira, Lukas Mandl

### Proposal for a regulation

#### Article 12 – paragraph 2 – subparagraph 2

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

The intermediary payment service provider shall report that failure, and the steps taken, to the competent authority responsible for monitoring compliance with anti-money laundering and counter terrorist financing provisions.

##### *Amendment*

The intermediary payment service provider shall report that failure, and the steps taken, ***at the shortest possible term,*** to the competent authority responsible for monitoring compliance with anti-money laundering and counter terrorist financing provisions.

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to guarantee that as soon as possible a report on failure will happen.*

**Amendment 213****Lídia Pereira, Lukas Mandl****Proposal for a regulation****Article 13 – paragraph 1***Text proposed by the Commission*

The intermediary payment service provider shall take into account missing information on the payer or the payee as a factor when assessing whether a transfer of funds, or any related transaction, is suspicious, and whether it is to be reported to the FIU in accordance with *[please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]*.

*Amendment*

The intermediary payment service provider shall take into account missing information on the payer or the payee as a factor when assessing whether a transfer of funds, or any related transaction, is suspicious, and whether it is to be reported to the FIU in accordance with Directive (EU) 2015/849.

*Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

**Amendment 214****Martin Schirdewan, Clare Daly****Proposal for a regulation****Article 14 – paragraph 1 – introductory part***Text proposed by the Commission*

1. The crypto-asset service provider of

PE719.852v01-00

*Amendment*

1. The crypto-asset service provider

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90/174

the originator shall ensure that transfers of crypto-assets are accompanied by the following information on the originator:

*or other obliged entity* of the originator shall ensure that transfers of crypto-assets are accompanied by the following information on the originator:

Or. en

**Amendment 215**  
**Aurore Lalucq, Paul Tang**

**Proposal for a regulation**  
**Article 14 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) the account number of the originator, where an account is used to process the transaction;**

**deleted**

Or. en

**Amendment 216**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 14 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) the account number of the originator, where an account is used to process the transaction;**

**(b) the originator's distributed ledger address or addresses, where a transfer of crypto-assets is registered on a network using distributed ledger technology or similar technology and, where available, the originator's crypto-asset account number;**

Or. en

**Amendment 217**  
**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**  
**Article 14 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the account number of the originator, where an account is used to process the transaction;

*Amendment*

(b) the ***originator's wallet address, where available, and the crypto-asset*** account number of the originator, where an account is used to process the transaction;

Or. en

**Amendment 218**  
**Aurore Lalucq, Paul Tang**

**Proposal for a regulation**  
**Article 14 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) the originator's distributed ledger address or addresses, where a transfer of crypto-assets is registered on a network using distributed ledger technology or similar technology and, where available, the originator's crypto-asset account number;***

Or. en

**Amendment 219**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 14 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) the originator's crypto-asset account number, where a transfer of crypto-assets is not registered on a network using distributed ledger technology or similar technology***

Or. en

**Amendment 220**

**Aurore Lalucq, Paul Tang**

**Proposal for a regulation**

**Article 14 – paragraph 1 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

**(bb) the originator’s crypto-asset account number, where a transfer of crypto-assets is not registered on a network using distributed ledger technology or similar technology;**

Or. en

**Amendment 221**

**Aurore Lalucq, Paul Tang**

**Proposal for a regulation**

**Article 14 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the originator’s address, official personal document number, customer identification number or date and place of birth.

(c) the originator’s address, **including the name of the country**, official personal document number, customer identification number or date and place of birth.

Or. en

**Amendment 222**

**Ondřej Kovařík, Olivier Chastel, Dragoș Pîslaru, Gilles Boyer, Lucia Ďuriš Nicholsonová, Luis Garicano, Caroline Nagtegaal, Fabienne Keller, Dragoș Tudorache, Michal Šimečka, Ramona Strugariu**

**Proposal for a regulation**

**Article 14 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the originator’s address, official personal document number, customer

(c) the originator’s address, **nationality**, official personal document

identification number or date and place of birth.

number, customer identification number or date and place of birth.

Or. en

**Amendment 223**

**Aurore Lalucq, Paul Tang**

**Proposal for a regulation**

**Article 14 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) subject to the existence of the necessary field in the relevant message format, and where provided by the originator to the originator's crypto-asset service provider, the current LEI of the originator.***

Or. en

**Amendment 224**

**Markus Ferber**

**Proposal for a regulation**

**Article 14 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) where available, the originator's legal entity identifier;***

Or. en

**Amendment 225**

**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**

**Article 14 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The crypto-asset service provider of the originator shall ensure that transfers of crypto-assets are accompanied by the following information on the beneficiary:

*Amendment*

2. The crypto-asset service provider ***or other obliged entity*** of the originator shall ensure that transfers of crypto-assets are accompanied by the following information on the beneficiary:

Or. en

**Amendment 226**

**Markus Ferber**

**Proposal for a regulation**

**Article 14 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) the beneficiary's account number, ***where such an account exists and is used to process the transaction.***

*Amendment*

(b) the beneficiary's ***distributed ledger address or addresses, where a transfer of crypto-assets is registered on a network using distributed ledger technology or similar technology and, where available, the beneficiary's crypto-asset*** account number;

Or. en

**Amendment 227**

**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**

**Article 14 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) the beneficiary's account number, where such an account exists and is used to process the transaction.

*Amendment*

(b) the beneficiary's ***wallet address, where available, and the crypto-asset*** account number ***of the beneficiary***, where such an account exists and is used to process the transaction.

Or. en

**Amendment 228**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 14 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba) the beneficiary’s crypto-asset account number, where a transfer of crypto-assets is not registered on a network using distributed ledger technology or similar technology;**

Or. en

**Amendment 229**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 14 – paragraph 2 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

**(bb) where available, the beneficiary’s legal entity identifier;**

Or. en

**Amendment 230**  
**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. By way of derogation from paragraph 1, point (b), and paragraph 2, point (b), **in the case of a transfer not made from or to an account**, the crypto-asset service provider of the originator shall ensure that the transfer of crypto-

3. By way of derogation from paragraph 1, point (b), and paragraph 2, point (b), the crypto-asset service provider of the originator shall ensure that the transfer of crypto-assets can be individually identified, **namely using**



assets can be individually identified and record the originator and beneficiary address identifiers on the distributed ledger.

***innovative technological solutions***, and record the originator and beneficiary address identifiers on the distributed ledger. ***To this end, innovative technological solutions shall be considered as an equivalent alternative for conventional KYC obligations.***

Or. en

#### *Justification*

*It is important to maintain this paragraph, amended as proposed, as it represents the adaptation of European legislation to a innovative environment that the EU must promote and not block. The application of innovative technological solutions promotes the competitiveness of the crypto asset industry and helps to guarantee full compliance with European rules on anti-money laundering and countering terrorist financing, while respecting the enforcement of the GDPR. Innovative technological solutions can contribute to a more efficient fight against anti-money laundering and terrorist financing.*

#### **Amendment 231** **Fulvio Martusciello**

#### **Proposal for a regulation** **Article 14 – paragraph 3**

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

3. By way of derogation from paragraph 1, point (b), and paragraph 2, point (b), in the case of a transfer not made from or to an account, the crypto-asset service provider of the originator shall ensure that the transfer of crypto-assets can be individually identified and record the originator and beneficiary address identifiers on the distributed ledger.

##### *Amendment*

3. By way of derogation from paragraph 1, point (b), and paragraph 2, point (b), in the case of a transfer not made from or to an account, the crypto-asset service provider of the originator shall ensure that the transfer of crypto-assets can be individually identified and record the originator and beneficiary address identifiers on the distributed ledger. ***For this purpose, the application of innovative technological solutions shall be considered to facilitate this process.***

Or. en

#### *Justification*

*There are many new developing technologies that could more efficiently facilitate the transfer of crypto assets, such as Zero-Knowledge Proof (ZKP), which is a method by which one party*

*can prove to another party that a given statement is true while the prover avoids conveying any additional information apart from the fact that the statement is indeed true. This technology can help law enforcement in fighting money laundering on the blockchain while complying with GDPR. Ensuring that the legislation allows for the use of these tools is imperative to the innovation of not only the crypto asset industry but also Anti-money laundering and countering terrorist financing.*

## **Amendment 232**

**Gunnar Beck, Nicolaus Fest**

### **Proposal for a regulation**

#### **Article 14 – paragraph 3**

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

3. By way of derogation from paragraph 1, point (b), and paragraph 2, point (b), in the case of a transfer not made from or to an account, the crypto-asset service provider of the originator shall ensure that the transfer of crypto-assets can be individually identified and record the originator and beneficiary address identifiers on the distributed ledger.

##### *Amendment*

3. By way of derogation from paragraph 1, point (b), and paragraph 2, point (b), in the case of a transfer not made from or to an account, the crypto-asset service provider of the originator shall ensure that the transfer of crypto-assets can be individually identified and record the originator and beneficiary address identifiers on the distributed ledger. ***The application of innovative technological solutions shall be considered to facilitate such operations.***

Or. en

##### *Justification*

*There are many new developing technologies that could more efficiently facilitate the transfer of crypto assets, such as Zero-Knowledge Proof (ZKP), which is a method by which one party can prove to another party that a given statement is true while the prover avoids conveying any additional information apart from the fact that the statement is indeed true. This technology can help law enforcement in fighting money laundering on the blockchain while complying with GDPR. Ensuring that the legislation allows for the use of these tools is imperative to the innovation of not only the crypto-asset industry but also Anti-money laundering and countering terrorist financing.*

## **Amendment 233**

**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. By way of derogation from paragraph 1, point (b), and paragraph 2, point (b), in the case of a transfer not made from or to an account, the crypto-asset service provider of the originator shall ensure that the transfer of crypto-assets can be individually identified and record the originator and beneficiary address identifiers ***on the distributed ledger***.

*Amendment*

3. By way of derogation from paragraph 1, point (b), and paragraph 2, point (b), in the case of a transfer not made from or to an account, the crypto-asset service provider of the originator shall ensure that the transfer of crypto-assets can be individually identified and record the originator and beneficiary address identifiers.

Or. en

**Amendment 234**

**Andżelika Anna Możdzanowska, Michiel Hoogeveen, Roberts Zile, Bogdan Rzońca, Dorien Rookmaker**  
on behalf of the ECR Group

**Proposal for a regulation**  
**Article 14 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. By way of derogation from paragraph 1 and paragraph 2, the crypto-asset service provider shall be exempted from the requirement to provide the information listed in this Article for transfers of crypto-assets if it can demonstrate that it has implemented technical measures having an equivalent object or effect as requirement in this Article, allowing the provider to achieve the objectives of this Regulation and effectively prevent money laundering and terrorist financing.***

Or. en

**Amendment 235**

**Gwendoline Delbos-Corfield, Ernest Urtasun**

**Proposal for a regulation**  
**Article 14 – paragraph 4**

*Text proposed by the Commission*

4. The information referred to in paragraphs 1 and 2 does not **have to** be attached directly to, or **be** included in, the transfer of crypto-assets.

*Amendment*

4. The information referred to in paragraphs 1 and 2 **shall be submitted in a secure manner and previously, simultaneously or concurrently with the transfer of crypto-assets provided that either of the following applies:**

**(a) the crypto-asset service provider of the beneficiary is a regulated entity established within the Union;**

**(b) the crypto-asset service provider of the beneficiary is established in a third country and is able to receive and retain the information required under this Regulation and applies adequate safeguards for ensuring data protection within the meaning of Chapter V of Regulation (EU) 2016/679.**

**4a. However, where the crypto-asset service provider of the originator knows, suspects or has reasonable grounds to suspect that the crypto-asset service provider of the beneficiary does not apply adequate safeguards for ensuring data protection, the crypto-asset service provider of the originator shall proceed with the execution of the transfer without transmitting the information referred to in paragraph 1 and 2.**

**4b. Where the crypto-asset service provider of the originator knows or has reasonable grounds to believe that the crypto-asset service provider of the beneficiary, wherever established, is owned, managed or in anyway controlled by or accessible to a government entity, within the meaning of Article 2(b) of Regulation (EU, Euratom) 2020/2092, where clear risks of serious breaches of the principle of the rule of law or serious fundamental rights violations have been identified, the crypto-asset service**

*provider of the originator shall proceed with the execution of the transfer without transmitting the information referred to in paragraph 1 and 2.*

*4c. Such information shall however be retained by the crypto-asset service provider of the originator. The service provider of the originator shall inform competent authorities of the execution of the transfer without delay and make the information available to them upon request.*

*4d. The information referred to in paragraph 1, points (a) and (c), and paragraph 2, point (a), shall not be attached directly to, or included in, the transfer of crypto-assets.*

Or. en

**Amendment 236**  
**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**  
**Article 14 – paragraph 4**

*Text proposed by the Commission*

4. The information referred to in paragraphs 1 and 2 **does not have to** be attached directly to, or be included in, the transfer of crypto-assets.

*Amendment*

4. The information referred to in paragraphs 1 and 2 **shall accompany a transfer of funds in a way that allows for the full application of Regulation 2016/679, as appropriate, including rules on rectification of data or deletion of data once retention periods have expired.**

***Where the crypto-asset service provider of the beneficiary is a regulated entity established within the Union, or where the crypto-asset service provider of the beneficiary is established in a third country that is subject to an adequacy decision in accordance with Article 45 of Regulation 2016/679, the information referred to in paragraphs 1 and 2 shall be transferred in a secure manner and***

*immediately with the transfer of crypto-assets.*

*In all other cases, the crypto-asset service provider of the originator shall proceed with the execution of the transfer without transmitting the information referred to in paragraph 1 and 2. Such information shall however be retained and made available to competent authorities upon request.*

*The information referred to in paragraph 1, points (a) and (c), and paragraph 2, point (a), shall not be attached directly to, or be included in, the transfer of crypto-assets.*

Or. en

#### **Amendment 237**

**Aurore Lalucq, Paul Tang**

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

#### **Article 14 – paragraph 4**

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

4. The information referred to in paragraphs 1 and 2 does not have to be attached directly to, or be included in, the transfer of crypto-assets.

##### *Amendment*

4. The information referred to in paragraphs 1 and 2 does not have to be attached directly to, or be included in, the transfer of crypto-assets *as long as it is submitted previously, simultaneously or concurrently with the transfer itself and in a secure manner.*

Or. en

#### **Amendment 238**

**Ernest Urtasun, Assita Kanko**

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

#### **Article 14 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Crypto-asset service providers shall establish and maintain alternative procedures consistent with the objectives of this Regulation, including the possibility of not sending personally identifiable information. Those procedures shall be subject to appropriate review by competent authorities.**

**EBA shall issue guidelines in accordance with Article 30 to specify the criteria for assessing whether the provider of the originator is able to protect personally identifiable information and the conditions for establishing alternative procedures to ensure the traceability of transfers, where the submission of information to the provider of the beneficiary shall be avoided.**

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers. Taking into account international guidance, crypto-asset service providers are required to establish alternative procedures, reviewed by supervisors, including the possibility of not sending user information, when they reasonably believe a counterparty will not handle personal information in a secured manner.*

#### **Amendment 239**

**Martin Schirdewan, Clare Daly**

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

**Article 14 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. In the case of a transfer of crypto-assets to an unhosted wallet, the crypto-asset service provider of the originator or other obliged entity shall obtain and retain the information referred to in paragraphs 1 and 2 from its customer or, if possible, in case of the information**

*referred to in paragraph 2, from the beneficiary behind the unhosted wallet and make such information available to competent authorities upon request.*

Or. en

**Amendment 240**  
**Aurore Lalucq, Paul Tang**

**Proposal for a regulation**  
**Article 14 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a.** *In the case of a transfer of crypto-assets made to a distributed ledger address not linked to a crypto-asset service provider, the crypto-asset service provider of the originator shall obtain and hold information from paragraph 1 and 2 and ensure that the transfer of crypto-assets can be individually identified.*

Or. en

**Amendment 241**  
**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**  
**Article 14 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. Before transferring crypto-assets, the crypto-asset service provider of the originator shall verify the accuracy of the information referred to in paragraph 1 on the basis of documents, data or information obtained from a reliable and independent source.

5. Before transferring crypto-assets, the crypto-asset service provider of the originator shall verify the accuracy of the information referred to in paragraph 1 on the basis of documents, data or information obtained from a reliable and independent source. ***To this end, the competent authorities shall establish, maintain and update a central database of crypto-asset wallet addresses labelled as suspicious or linked to criminal activity. This database***



*shall be used as a reliable source for the use of technological solutions in the sense of blockchain analytical tools.*

Or. en

*Justification*

*"Blacklists" of suspicious wallets that are linked to criminal activity enable blockchain analytical tools to instantly detect any interaction with suspicious wallets. This allows the regulator and CASPs to intervene without delay, as soon as an alert is given by the blockchain analytical tool.*

**Amendment 242**

**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**

**Article 14 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. In case of a transfer of crypto-assets to an unhosted wallet, the crypto-asset service provider of the originator or other obliged entity shall, in addition to the provisions laid out in paragraph 5, verify the accuracy of the information referred to in paragraph 2 on the basis of documents, data or information obtained from a reliable and independent source, before transferring crypto-assets.**

Or. en

**Amendment 243**

**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**

**Article 14 – paragraph 6 – point a**

*Text proposed by the Commission*

*Amendment*

(a) the identity of the originator has been verified in accordance with Article **16, 18(3) and 37 of Regulation [please**

(a) the identity of the originator has been verified in accordance with Article **13 of Directive (EU) 2015/849** and the

*insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]*  
[and the information obtained pursuant to that verification has been stored in accordance with Article **56 of Regulation [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]** or

information obtained pursuant to that verification has been stored in accordance with Article **40 of that** Directive or

Or. en

#### Amendment 244

Lídia Pereira, Lukas Mandl

#### Proposal for a regulation

#### Article 14 – paragraph 6 – point a

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

(a) the identity of the originator has been verified in accordance with Article **16, 18(3) and 37 of Regulation [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]** [and the information obtained pursuant to that verification has been stored in accordance with Article **56 of Regulation [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]** or

##### *Amendment*

(a) the identity of the originator has been verified in accordance with Article **13 of** Directive (EU) 2015/849 and the information obtained pursuant to that verification has been stored in accordance with Article **40 of that** Directive or

Or. en

##### *Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money*

*laundrying or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

**Amendment 245**

**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**

**Article 14 – paragraph 6 – point b**

*Text proposed by the Commission*

(b) Article 21(2) and (3) of Regulation [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849] applies to the originator.

*Amendment*

(b) Article 14(5) of Directive (EU) 2015/849 applies to the originator

Or. en

**Amendment 246**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**

**Article 14 – paragraph 6 – point b**

*Text proposed by the Commission*

(b) Article 21(2) and (3) of Regulation [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849] applies to the originator.

*Amendment*

(b) Article 14(5) of Directive (EU) 2015/849 applies to the originator.

Or. en

*Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

**Amendment 247**  
**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**  
**Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Verification as referred to in paragraph 5a shall be deemed to have taken place where:**

**(a) the identity of the crypto-assets transfer beneficiary has been verified, as for a customer relationship, in accordance with Article 13 of Directive(EU) 2015/849 and the information obtained pursuant to that verification has been stored in accordance with Article 40 of that Directive;**

**(b) Article 14(5) of Directive (EU) 2015/849 applies to the crypto-assets transfer beneficiary.**

Or. en

**Amendment 248**  
**Ernest Urtasun, Assita Kanko**

**Proposal for a regulation**  
**Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Before transferring crypto-assets, the crypto-asset service provider or other obliged entity of the originator shall review the information referred to in paragraph 2 to verify that the beneficiary of the transfer is not an individual, entity or group subject to restrictive measures.**

Or. en

### *Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers. The amendment clarifies the requirement on CASPs or other obliged entities to screen counterparty end customers against the relevant European, national or international sanctions lists.*

#### **Amendment 249**

**Martin Schirdewan, Clare Daly**

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

**Article 14 – paragraph 6 b (new)**

*Text proposed by the Commission*

*Amendment*

**6 b.** *The provisions laid out in paragraph 5a and 6a shall come into effect three years after this Regulation has entered into force. The European Banking Authority in cooperation with the European Securities and Markets Authority shall provide guidelines for crypto-asset service providers on the obtainment, verification and retention of information referred to in paragraph 4a, 5a and 6a for the case of a transfer of crypto-assets to an unhosted wallet.*

Or. en

#### **Amendment 250**

**Ernest Urtasun, Assita Kanko**

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

**Article 14 – paragraph 6 b (new)**

*Text proposed by the Commission*

*Amendment*

**6 b.** *Crypto-asset service providers and other obliged entities may rely on other crypto-asset service providers and other obliged entities, whether situated in a Member State or in a third country, to review the information on the beneficiary of a transfer to ensure compliance with*

***any restrictive measures, provided that the applicable conditions laid down in Section IV of Directive (EU) 2015/849 are respected.***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers. It aims at strengthening sanctions compliance by allowing obliged entities to rely on the sanction screening performed by third parties that have better access to the underlying data concerning the counterparty end customer, as insufficient and unverified data may undermine the ability of ensuring appropriate freezing actions and effectively prohibiting transfers to designated persons and entities.*

**Amendment 251**  
**Fulvio Martusciello**

**Proposal for a regulation**  
**Article 14 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***7a. While the transfer of funds from wallets hosted by centralised exchanges to wallets hosted by centralised exchanges is under full responsibility of the centralised crypto asset service provider, the transfer of funds from un-hosted wallets to wallets hosted by centralised exchanges, and vice versa, shall imply a limited liability of the receiving wallet.***

Or. en

*Justification*

*By requiring transfers from un-hosted to hosted wallets to report beneficiary data, more transactions will become transparent. However, the receiving hosted wallets can only be responsible for indicating that the received transfer has (or has not) the full set of required information. The receiving hosted wallet provider should be required to only act with regard to assessing the completeness of the information sent.*

**Amendment 252**  
**Gunnar Beck, Nicolaus Fest**

**Proposal for a regulation**  
**Article 14 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. In contrast to transfers of funds between wallets hosted by centralised exchanges, where full responsibility of the centralised crypto asset service provider is in place, un-hosted wallet transfers sent to wallet hosted by centralised exchanges, and vice versa, shall impose limited liability on the receiving wallet.**

Or. en

*Justification*

*By requiring transfers from un-hosted to hosted wallets to report beneficiary data, more transactions will become transparent. However, the receiving hosted wallets can only be responsible for indicating that the received transfer has (or has not) the full set of required information. The receiving hosted wallet provider should be required to only act with regard to assessing the completeness of the information sent.*

**Amendment 253**  
**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. In the case of a batch file transfer from a single originator, Article 14(1) shall not apply to the individual transfers bundled together therein, provided that the batch file contains the information referred to in Article 14(1), (2) and (3), that that information has been verified in accordance with Article 14(5) **and (6)**, and that the individual transfers **carry the payment** account number of the originator or, where Article 14(3) applies the individual identification of the transfer.

1. In the case of a batch file transfer from a single originator, Article 14(1) shall not apply to the individual transfers bundled together therein, provided that the batch file contains the information referred to in Article 14(1), (2) and (3), that that information has been verified in accordance with Article 14(5), **(5a), (6), (6a) and (6b)**, and that the individual transfers **are accompanied by the wallet address, where available and the crypto-asset** account number, **where an account is**

*used to process the transaction*, of the originator or, where Article 14(3) applies the individual identification of the transfer.

Or. en

## Amendment 254

Gwendoline Delbos-Corfield, Ernest Urtasun

### Proposal for a regulation

#### Article 15 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**2.** *By way of derogation from Article 14(1), transfers of crypto-assets not exceeding EUR 1 000 that do not appear to be linked to other transfers of crypto-assets which, together with the transfer in question, exceed EUR 1 000, shall be accompanied by at least the following information:*

*deleted*

*(a) the names of the originator and of the beneficiary;*

*(b) the account number of the originator and of the beneficiary or, where Article 14(3) applies, the insurance that the crypto-asset transaction can be individually identified;*

*By way of derogation from Article 14(5), the crypto-assets service provider of the originator shall only verify the information on the originator referred to in this paragraph, first subparagraph, points (a) and (b), in the following cases:*

*(a) the crypto-assets service provider of the originator has received the crypto-assets to be transferred in exchange of cash or anonymous electronic money;*

*(b) the crypto-assets service provider of the originator has reasonable grounds for suspecting money laundering or terrorist financing.*



**Amendment 255**  
**Aurore Lalucq, Paul Tang**

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

*Text proposed by the Commission*

*Amendment*

**2. By way of derogation from Article 14(1), transfers of crypto-assets not exceeding EUR 1 000 that do not appear to be linked to other transfers of crypto-assets which, together with the transfer in question, exceed EUR 1 000, shall be accompanied by at least the following information:**

*deleted*

**(a) the names of the originator and of the beneficiary;**

**(b) the account number of the originator and of the beneficiary or, where Article 14(3) applies, the insurance that the crypto-asset transaction can be individually identified;**

**By way of derogation from Article 14(5), the crypto-assets service provider of the originator shall only verify the information on the originator referred to in this paragraph, first subparagraph, points (a) and (b), in the following cases:**

**(a) the crypto-assets service provider of the originator has received the crypto-assets to be transferred in exchange of cash or anonymous electronic money;**

**(b) the crypto-assets service provider of the originator has reasonable grounds for suspecting money laundering or terrorist financing.**

**Amendment 256**  
**Martin Schirdewan, Clare Daly**

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

*Text proposed by the Commission*

*Amendment*

**2. By way of derogation from Article 14(1), transfers of crypto-assets not exceeding EUR 1 000 that do not appear to be linked to other transfers of crypto-assets which, together with the transfer in question, exceed EUR 1 000, shall be accompanied by at least the following information:**

*deleted*

**(a) the names of the originator and of the beneficiary;**

**(b) the account number of the originator and of the beneficiary or, where Article 14(3) applies, the insurance that the crypto-asset transaction can be individually identified;**

**By way of derogation from Article 14(5), the crypto-assets service provider of the originator shall only verify the information on the originator referred to in this paragraph, first subparagraph, points (a) and (b), in the following cases:**

**(a) the crypto-assets service provider of the originator has received the crypto-assets to be transferred in exchange of cash or anonymous electronic money;**

**(b) the crypto-assets service provider of the originator has reasonable grounds for suspecting money laundering or terrorist financing.**

Or. en

**Amendment 257**  
**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**  
**Article 15 – paragraph 2 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

By way of derogation from Article 14(1), transfers of crypto-assets not exceeding EUR 1 000 that do not appear to be linked to other transfers of crypto-assets which, together with the transfer in question, exceed EUR 1 000, shall be accompanied by **at least** the following information:

*Amendment*

By way of derogation from Article 14(1), **and in line with FATF standards**, transfers of crypto-assets not exceeding EUR 1 000 that do not appear to be linked to other transfers of crypto-assets which, together with the transfer in question, exceed EUR 1 000, shall be accompanied by the following information:

Or. en

*Justification*

*It is important to maintain the de minimis exemption of EUR 1.000 as it represents a systematic coherence with the banking sector rules on payments subject to increased information obligations. It also guarantees consistency within the whole text of the Regulation and alignment with the recommendations by the Financial Action Task Force (FATF). It promotes proportionality in relation to smaller transfers and consistency with the treatment of other types of transfer of funds. Additionally, at the crypto-assets level, there are technological solutions to counter the criminal techniques of circumventing AML and CFT rules through small financial movements.*

**Amendment 258**  
**Fulvio Martusciello**

**Proposal for a regulation**  
**Article 15 – paragraph 2 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

y way of derogation from Article 14(1), transfers of crypto-assets not exceeding EUR 1 000 that do not appear to be linked to other transfers of crypto-assets which, together with the transfer in question, exceed EUR 1 000, shall be accompanied by at least the following information:

*Amendment*

By way of derogation from Article 14(1), **and in line with Financial Action Task Force (FATF) standards** transfers of crypto-assets not exceeding EUR 1 000 that do not appear to be linked to other transfers of crypto-assets which, together with the transfer in question, exceed EUR 1 000, shall be accompanied by at least the following information:

Or. en

### *Justification*

*For the purposes of consistency within the text, explicitly aligning this provision with the Financial Action Task Force (FATF) proposed threshold creates proportionality in relation to the risk of smaller transfers and consistency with the treatment of other types of transfers of funds. This also would introduce consistency with the agreed international standards.*

#### **Amendment 259**

**Gunnar Beck, Nicolaus Fest**

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

#### **Article 15 – paragraph 2 – subparagraph 1 – introductory part**

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

By way of derogation from Article 14(1), transfers of crypto-assets not exceeding EUR **1 000** that do not appear to be linked to other transfers of crypto-assets which, together with the transfer in question, exceed EUR **1 000**, shall be accompanied by at least the following information:

##### *Amendment*

By way of derogation from Article 14(1), **and in alignment with FATF standards**, transfers of crypto-assets not exceeding EUR **3 000** that do not appear to be linked to other transfers of crypto-assets which, together with the transfer in question, exceed EUR **3 000**, shall be accompanied by at least the following information:

Or. en

### *Justification*

*For the purposes of consistency within the text, explicitly aligning this provision with the Financial Action Task Force (FATF) proposed threshold creates proportionality in relation to the risk of smaller transfers and consistency with the treatment of other types of transfers of funds. This also would introduce consistency with the agreed international standards.*

#### **Amendment 260**

**Andżelika Anna Możdżanowska, Michiel Hoogeveen, Roberts Zile, Bogdan Rzońca, Dorien Rookmaker**

on behalf of the ECR Group

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

#### **Article 15 – paragraph 2 – subparagraph 1 – introductory part**

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

By way of derogation from Article 14(1), transfers of crypto-assets not exceeding EUR **1 000** that do not appear to be linked

##### *Amendment*

By way of derogation from Article 14(1), transfers of crypto-assets not exceeding EUR **5 000** that do not appear to be linked

to other transfers of crypto-assets which, together with the transfer in question, exceed EUR **1 000**, shall be accompanied by at least the following information:

to other transfers of crypto-assets which, together with the transfer in question, exceed EUR **5 000**, shall be accompanied by at least the following information:

Or. en

## **Amendment 261**

**Lídia Pereira, Lukas Mandl**

### **Proposal for a regulation**

#### **Article 15 – paragraph 2 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) the account number of the originator and of the beneficiary or, where Article 14(3) applies, the insurance that the crypto-asset transaction can be individually identified;

*Amendment*

(b) the account number of the originator and of the beneficiary or, where Article 14(3) applies, the insurance that the crypto-asset transaction can be individually identified, ***namely using innovative technological solutions***;

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to the need to promote technological innovation in this field.*

## **Amendment 262**

**Martin Schirdewan, Clare Daly**

### **Proposal for a regulation**

#### **Article 16 – paragraph 1**

*Text proposed by the Commission*

1. The crypto-asset service provider of the beneficiary shall implement effective procedures, including, where appropriate, monitoring after or during the transfers, in order to detect whether the information referred to in Article 14(1) and (2), on the originator or the beneficiary is ***included in, or follows***, the transfer of crypto-assets or

*Amendment*

1. The crypto-asset service provider of the beneficiary shall implement effective procedures, including, where appropriate, monitoring after or during the transfers, in order to detect whether the information referred to in Article 14(1) and (2), on the originator or the beneficiary is ***submitted with*** the transfer of crypto-assets or batch

batch file transfer.

file transfer.

Or. en

**Amendment 263**  
**Martin Schirdewan, Clare Daly**

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

*Text proposed by the Commission*

*Amendment*

**1a. In the case of a transfer of crypto-assets from an unhosted wallet, the crypto-asset service provider or other obliged entity of the beneficiary shall obtain and retain the information referred to in Article 14 paragraphs (1) and (2) from its customer or, if possible, in case of the information referred to in Article 14 paragraph (1), from the originator behind the unhosted wallet and make such information available to competent authorities upon request.**

Or. en

**Amendment 264**  
**Paul Tang, Aurore Lalucq**

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

*Text proposed by the Commission*

*Amendment*

**1a. In the case of a transfer of crypto-assets from an unhosted wallet, the crypto-asset service provider of the beneficiary shall obtain and retain the information referred to in Article 14(1) and (2) from its customer. The crypto-asset service provider shall maintain a record of all transfers of crypto-assets from unhosted wallets and notify competent authority of any customer**

*having received EUR 1 000 or more from unhosted wallets.*

Or. en

*Justification*

*to avoid money from dubious sources coming in without proper verification.*

**Amendment 265**

**Aurore Lalucq, Paul Tang**

**Proposal for a regulation**

**Article 16 – paragraph 2**

*Text proposed by the Commission*

2. In the case of **transfers** of crypto-assets **exceeding EUR 1 000, whether those transfers are carried out in a single transaction or in several transactions which appear to be linked, before making the crypto-assets available to the beneficiary**, the crypto-asset service provider of the beneficiary shall **verify the accuracy of the information on the beneficiary** referred to in **paragraph 1 on the basis of documents, data or information obtained from a reliable and independent source, without prejudice to the requirements laid down in Articles 83 and 84 of Directive (EU) 2015/2366.**

*Amendment*

2. In the case of **a transfer** of crypto-assets **made from a distributed ledger address not linked to a crypto-asset service provider**, the crypto-asset service provider of the beneficiary shall **obtain and hold information referred to in Article 14(1) and (2) and ensure that the transfer of crypto-assets can be individually identified.**

Or. en

**Amendment 266**

**Paul Tang, Aurore Lalucq**

**Proposal for a regulation**

**Article 16 – paragraph 2**

*Text proposed by the Commission*

2. **In the case of transfers of crypto-assets exceeding EUR 1 000, whether**

*Amendment*

2. Before making the crypto-assets available to the beneficiary, the crypto-

***those transfers are carried out in a single transaction or in several transactions which appear to be linked***, before making the crypto-assets available to the beneficiary, the crypto-asset service provider of the beneficiary shall verify the accuracy of the information on the beneficiary referred to in paragraph 1 on the basis of documents, data or information obtained from a reliable and independent source, ***without prejudice*** to the requirements laid down in Articles 83 and 84 of Directive (EU) 2015/2366.

asset service provider of the beneficiary shall verify the accuracy of the information on the beneficiary referred to in paragraph 1 ***and 1a*** on the basis of documents, data or information obtained from a reliable and independent source. ***In the case of a transfer of crypto-assets from an unhosted wallet, the crypto-asset service provider shall, before making the crypto-assets available to the beneficiary, verify directly with the originator of the funds the accuracy of the information on the originator referred to in paragraph 1 and 1a.***

Or. en

#### *Justification*

*Verifying this information might take longer than one day and thereby impede the ability of the service provider to credit the beneficiary's account by the business day following the initiation of the payment (Directive (EU) 2015/2366). Information on the origin of the payment is highly relevant for the purposes of AML and deserve additional scrutiny by the CASP of the beneficiary.*

#### **Amendment 267**

**Martin Schirdewan, Clare Daly**

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

#### **Article 16 – paragraph 2**

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

2. ***In the case of transfers of crypto-assets exceeding EUR 1 000, whether those transfers are carried out in a single transaction or in several transactions which appear to be linked***, before making the crypto-assets available to the beneficiary, the crypto-asset service provider of the beneficiary shall verify the accuracy of the information on the beneficiary referred to in paragraph 1 on the basis of documents, data or information obtained from a reliable and independent source, without prejudice to the requirements laid down in Articles 83 and

##### *Amendment*

2. Before making the crypto-assets available to the beneficiary, the crypto-asset service provider of the beneficiary shall verify the accuracy of the information on the beneficiary referred to in paragraph 1 on the basis of documents, data or information obtained from a reliable and independent source, without prejudice to the requirements laid down in Articles 83 and 84 of Directive (EU) 2015/2366.



### **Amendment 268**

**Lídia Pereira, Lukas Mandl**

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

#### **Article 16 – paragraph 2**

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

2. In the case of transfers of crypto-assets exceeding EUR 1 000, whether those transfers are carried out in a single transaction or in several transactions which appear to be linked, before making the crypto-assets available to the beneficiary, the crypto-asset service provider of the beneficiary shall verify the accuracy of the information on the beneficiary referred to in paragraph 1 on the basis of documents, data or information obtained from a reliable and independent source, without prejudice to the requirements laid down in Articles 83 and 84 of Directive (EU) 2015/2366.

##### *Amendment*

2. In the case of transfers of crypto-assets exceeding ***the de minimis exemption of*** EUR 1 000, whether those transfers are carried out in a single transaction or in several transactions which appear to be linked, before making the crypto-assets available to the beneficiary, the crypto-asset service provider of the beneficiary shall verify the accuracy of the information on the beneficiary referred to in paragraph 1 on the basis of documents, data or information obtained from a reliable and independent source, without prejudice to the requirements laid down in Articles 83 and 84 of Directive (EU) 2015/2366.

##### *Justification*

*It is important to maintain the threshold of EUR 1.000 in the same ground proposed on Article 15 - paragraph 2.*

### **Amendment 269**

**Gunnar Beck, Nicolaus Fest**

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

#### **Article 16 – paragraph 2**

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

2. In the case of transfers of crypto-assets exceeding EUR **1 000**, whether those

##### *Amendment*

2. In the case of transfers of crypto-assets exceeding EUR **3 000**, whether those

transfers are carried out in a single transaction or in several transactions which appear to be linked, before making the crypto-assets available to the beneficiary, the crypto-asset service provider of the beneficiary shall verify the accuracy of the information on the beneficiary referred to in paragraph 1 on the basis of documents, data or information obtained from a reliable and independent source, without prejudice to the requirements laid down in Articles 83 and 84 of Directive (EU) 2015/2366.

transfers are carried out in a single transaction or in several transactions which appear to be linked, before making the crypto-assets available to the beneficiary, the crypto-asset service provider of the beneficiary shall verify the accuracy of the information on the beneficiary referred to in paragraph 1 on the basis of documents, data or information obtained from a reliable and independent source, without prejudice to the requirements laid down in Articles 83 and 84 of Directive (EU) 2015/2366.

Or. en

### *Justification*

*Thresholds needs to be adequate in order not to crowd out this important growth-market, and not to hamper innovation in payment systems, RegTech, blockchain technology and the FinTech sector in general.*

#### **Amendment 270**

**Andżelika Anna Możdżanowska, Michiel Hoogeveen, Roberts Zile, Bogdan Rzońca, Dorien Rookmaker**  
on behalf of the ECR Group

#### **Proposal for a regulation Article 16 – paragraph 2**

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

2. In the case of transfers of crypto-assets exceeding EUR **1 000**, whether those transfers are carried out in a single transaction or in several transactions which appear to be linked, before making the crypto-assets available to the beneficiary, the crypto-asset service provider of the beneficiary shall verify the accuracy of the information on the beneficiary referred to in paragraph 1 on the basis of documents, data or information obtained from a reliable and independent source, without prejudice to the requirements laid down in Articles 83 and 84 of Directive (EU) 2015/2366.

##### *Amendment*

2. In the case of transfers of crypto-assets exceeding EUR **5 000**, whether those transfers are carried out in a single transaction or in several transactions which appear to be linked, before making the crypto-assets available to the beneficiary, the crypto-asset service provider of the beneficiary shall verify the accuracy of the information on the beneficiary referred to in paragraph 1 on the basis of documents, data or information obtained from a reliable and independent source, without prejudice to the requirements laid down in Articles 83 and 84 of Directive (EU) 2015/2366.

**Amendment 271**  
**Martin Schirdewan, Clare Daly**

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

*Text proposed by the Commission*

*Amendment*

**2a. In case of a transfer of crypto-assets from an unhosted wallet, the crypto-asset service provider or other obliged entity of the beneficiary shall, in addition to the provisions laid out in paragraph 2, verify the accuracy of the information on the originator referred to in Article 14 paragraph 1 on the basis of documents, data or information obtained from a reliable and independent source, before making the crypto-assets available to the beneficiary, without prejudice to the requirements laid down in Articles 83 and 84 of Directive (EU) 2015/2366.**

Or. en

**Amendment 272**  
**Gunnar Beck, Nicolaus Fest**

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

*Text proposed by the Commission*

*Amendment*

**2a. In contrast to transfers of funds between wallets hosted by centralised exchanges, where full responsibility of the centralised crypto-asset service provider is in place, unhosted wallet transfers sent to wallet hosted by centralised exchanges, and vice versa, should impose limited liability on the receiving wallet.**

Or. en

## *Justification*

*By requiring transfers from un-hosted to hosted wallets to report beneficiary data, more transactions will become transparent. However, the receiving hosted wallets can only be responsible for indicating that the received transfer has (or has not) the full set of required information. The receiving hosted wallet provider should be required to only act with regard to assessing the completeness of the information sent.*

### **Amendment 273**

**Aurore Lalucq, Paul Tang**

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

#### **Article 16 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. *In the case of transfers of crypto-assets not exceeding EUR 1 000 that do not appear to be linked to other transfers of crypto-asset which, together with the transfer in question, exceed EUR 1 000, the crypto-asset service provider of the beneficiary shall only verify the accuracy of the information on the beneficiary in the following cases:*** ***deleted***

***(a) where the crypto-asset service provider of the beneficiary effects the pay-out of the crypto-assets in cash or anonymous electronic money;***

***(b) where the crypto-asset service provider of the beneficiary has reasonable grounds for suspecting money laundering or terrorist financing.***

Or. en

### **Amendment 274**

**Martin Schirdewan, Clare Daly**

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

#### **Article 16 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. In the case of transfers of crypto-assets not exceeding EUR 1 000 that do not appear to be linked to other transfers of crypto-asset which, together with the transfer in question, exceed EUR 1 000, the crypto-asset service provider of the beneficiary shall only verify the accuracy of the information on the beneficiary in the following cases:**

*deleted*

**(a) where the crypto-asset service provider of the beneficiary effects the pay-out of the crypto-assets in cash or anonymous electronic money;**

**(b) where the crypto-asset service provider of the beneficiary has reasonable grounds for suspecting money laundering or terrorist financing.**

Or. en

### **Amendment 275**

**Lídia Pereira, Lukas Mandl**

### **Proposal for a regulation**

### **Article 16 – paragraph 3 – introductory part**

*Text proposed by the Commission*

*Amendment*

3. In the case of transfers of crypto-assets not exceeding EUR 1 000 that do not appear to be linked to other transfers of crypto-asset which, together with the transfer in question, exceed EUR 1 000, the crypto-asset service provider of the beneficiary shall only verify the accuracy of the information on the beneficiary in the following cases:

3. In the case of transfers of crypto-assets not exceeding ***the de minimis exemption of*** EUR 1 000 that do not appear to be linked to other transfers of crypto-asset which, together with the transfer in question, exceed EUR 1 000, the crypto-asset service provider of the beneficiary shall only verify the accuracy of the information on the beneficiary in the following cases:

Or. en

*Justification*

*It is important to maintain the threshold of EUR 1.000 in the same ground proposed on Article 15 - paragraph 2 and Article 16 - paragraph 2.*

**Amendment 276**

**Gunnar Beck, Nicolaus Fest**

**Proposal for a regulation**

**Article 16 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. In the case of transfers of crypto-assets not exceeding EUR **1 000** that do not appear to be linked to other transfers of crypto-asset which, together with the transfer in question, exceed EUR **1 000**, the crypto-asset service provider of the beneficiary shall only verify the accuracy of the information on the beneficiary in the following cases:

*Amendment*

3. In the case of transfers of crypto-assets not exceeding EUR **3 000** that do not appear to be linked to other transfers of crypto-asset which, together with the transfer in question, exceed EUR **3 000**, the crypto-asset service provider of the beneficiary shall only verify the accuracy of the information on the beneficiary in the following cases:

Or. en

*Justification*

*Thresholds needs to be adequate in order not to crowd out this important growth-market, and not to hamper innovation in payment systems, RegTech, blockchain technology and the FinTech sector in general.*

**Amendment 277**

**Andželika Anna Możdżanowska, Michiel Hoogeveen, Roberts Zile, Bogdan Rzońca, Dorien Rookmaker**

on behalf of the ECR Group

**Proposal for a regulation**

**Article 16 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. In the case of transfers of crypto-assets not exceeding EUR **1 000** that do not appear to be linked to other transfers of crypto-asset which, together with the transfer in question, exceed EUR **1 000**, the

*Amendment*

3. In the case of transfers of crypto-assets not exceeding EUR **5 000** that do not appear to be linked to other transfers of crypto-asset which, together with the transfer in question, exceed EUR **5 000**, the

crypto-asset service provider of the beneficiary shall only verify the accuracy of the information on the beneficiary in the following cases:

crypto-asset service provider of the beneficiary shall only verify the accuracy of the information on the beneficiary in the following cases:

Or. en

**Amendment 278**  
**Aurore Lalucq, Paul Tang**

**Proposal for a regulation**  
**Article 16 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. Verification as referred to in paragraphs 2 **and** 3 shall be deemed to have taken place where one of the following applies:

*Amendment*

4. Verification as referred to in **the previous** paragraphs shall be deemed to have taken place where one of the following applies:

Or. en

**Amendment 279**  
**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**  
**Article 16 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. Verification as referred to in paragraphs 2 **and** 3 shall be deemed to have taken place where one of the following applies:

*Amendment*

4. Verification as referred to in paragraphs 2 shall be deemed to have taken place where one of the following applies:

Or. en

**Amendment 280**  
**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**  
**Article 16 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) the identity of the crypto-assets transfer beneficiary has been verified in accordance with *[replace with right reference in AMLR to replace Articles 16, 18(3) and 37 of Regulation [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]* and the information obtained pursuant to that verification has been stored in accordance with *Article 56 of Regulation [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]*;

*Amendment*

(a) the identity of the crypto-assets transfer beneficiary has been verified in accordance with **Article 13 of** Directive (EU) 2015/849 and the information obtained pursuant to that verification has been stored in accordance with **Article 40 of that** Directive;

Or. en

**Amendment 281**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**

**Article 16 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) the identity of the crypto-assets transfer beneficiary has been verified in accordance with *[replace with right reference in AMLR to replace Articles 16, 18(3) and 37 of Regulation [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]* and the information obtained pursuant to that verification has been stored in accordance with *Article 56 of Regulation [please insert reference – proposal for a regulation on the prevention of the use of*

*Amendment*

(a) the identity of the crypto-assets transfer beneficiary has been verified in accordance with **Article 13 of** Directive (EU) 2015/849 and the information obtained pursuant to that verification has been stored in accordance with **Article 40 of that** Directive;



*the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849];*

Or. en

*Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

**Amendment 282**

**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**

**Article 16 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) Article **21(2) and (3) of Regulation [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]** applies to the crypto-assets transfer beneficiary.

*Amendment*

(b) Article **14(5) of** Directive (EU) 2015/849 applies to the crypto-assets transfer beneficiary.

Or. en

**Amendment 283**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**

**Article 16 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) Article **21(2) and (3) of Regulation [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing**

*Amendment*

(b) Article **14(5) of** Directive (EU) 2015/849 applies to the crypto-assets transfer beneficiary.

**and repealing** Directive (EU) 2015/849]  
applies to the crypto-assets transfer  
beneficiary.

Or. en

*Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

**Amendment 284**  
**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**  
**Article 16 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Verification as referred to in paragraph 2a shall be deemed to have taken place where:**

**(a) the identity of the originator has been verified, as for a customer relationship, in accordance with Article 13 of Directive (EU) 2015/849 and the information obtained pursuant to that verification has been stored in accordance with Article 40 of that Directive, or**

**(b) Article 14(5) of Directive (EU) 2015/849 applies to the originator.**

Or. en

**Amendment 285**  
**Ernest Urtasun, Assita Kanko**

**Proposal for a regulation**  
**Article 16 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Before transferring crypto-assets, the crypto-asset service provider or other obliged entity of the beneficiary shall review the information referred to in paragraph 2 to verify that the originator of the transfer is not an individual, entity or group subject to restrictive measures.**

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers. The amendment clarifies the requirement on CASPs or other obliged entities to screen counterparty end customers against the relevant European, national or international sanctions lists.*

**Amendment 286**

**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**

**Article 16 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**4 b. The provisions laid out in paragraph 2a and 4a shall come into effect three years after this Regulation has entered into force. The European Banking Authority in cooperation with the European Securities and Markets Authority shall provide guidelines for crypto-asset service providers on the obtainment, verification and retention of information referred to in paragraph 1a, 2a and 4a for the case of a transfer of crypto-assets from an unhosted wallet.**

Or. en

**Amendment 287**

**Ernest Urtasun, Assita Kanko**

**Proposal for a regulation**  
**Article 16 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**4 b. Crypto-asset service providers and other obliged entities may rely on other crypto-asset service providers and other obliged entities, whether situated in a Member State or in a third country, to review the information on the originator of a transfer to ensure compliance with any restrictive measures, provided that the applicable conditions laid down in Section IV of Directive (EU) 2015/849 are respected.**

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers. It aims at strengthening sanctions compliance by allowing obliged entities to rely on the sanction screening performed by third parties that have better access to the underlying data concerning the counterparty end customer, as insufficient and unverified data may undermine the ability of ensuring appropriate freezing actions and effectively prohibiting transfers to designated persons and entities.*

**Amendment 288**  
**Paul Tang, Aurore Lalucq**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

The crypto-asset service provider of the beneficiary shall implement effective risk-based procedures, including procedures based on the risk-sensitive basis referred to in Articles 16, 18(3) and 37 of Regulation [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849], for

The crypto-asset service provider of the beneficiary shall implement effective risk-based procedures, including procedures based on the risk-sensitive basis referred to in Articles 16, 18(3) and 37 of Regulation [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849], for

determining *whether to execute or reject a transfer* of crypto-assets lacking the required complete originator and beneficiary information *and for taking the appropriate follow-up action*.

determining *the appropriate action and follow-up action for transfers* of crypto-assets lacking the required complete originator and beneficiary information. *Crypto-asset service providers may:*

*a) remove the received crypto assets lacking the required complete originator and beneficiary information from the customer's disposal, preventing their withdrawal or exchange ; or*

*b) delay their availability while further information is requested.*

Or. en

*Justification*

*to avoid crypto-assets leaving the account of the beneficiary before checks are completed.*

**Amendment 289**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**

**Article 17 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The crypto-asset service provider of the beneficiary shall implement effective risk-based procedures, including procedures based on the risk-sensitive basis referred to in *Articles 16, 18(3) and 37 of Regulation [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]*, for determining whether to execute or reject a transfer of crypto-assets lacking the required complete originator and beneficiary information and for taking the appropriate follow-up action.

*Amendment*

The crypto-asset service provider of the beneficiary shall implement effective risk-based procedures, including procedures based on the risk-sensitive basis referred to in *Article 13 of Directive (EU) 2015/849* for determining whether to execute or reject a transfer of crypto-assets lacking the required complete originator and beneficiary information and for taking the appropriate follow-up action.

Or. en

### *Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

#### **Amendment 290**

**Lídia Pereira, Lukas Mandl**

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

#### **Article 17 – paragraph 1 – subparagraph 2**

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

Where the crypto-asset service provider of the beneficiary becomes aware, when receiving transfers of crypto-assets, that the information referred to in Article 14(1) or (2) or Article 15 is missing or incomplete, the crypto-asset service provider shall reject the transfer or ask for the required information on the originator and the beneficiary before or after making the crypto-assets available to the beneficiary, on a risk-sensitive basis.

##### *Amendment*

Where the crypto-asset service provider of the beneficiary becomes aware, when receiving transfers of crypto-assets ***without the use of innovative technology solutions as referred to in article 14(3)***, that the information referred to in Article 14(1) or (2) or Article 15 is missing or incomplete, the crypto-asset service provider shall ***immediately*** reject the transfer or ask for the required information on the originator and the beneficiary, ***at the shortest possible term***, before or after making the crypto-assets available to the beneficiary, on a risk-sensitive basis.

Or. en

### *Justification*

*This amendment is inextricably linked to other admissible amendments relating to the need to guarantee the compliance in due time.*

#### **Amendment 291**

**Martin Schirdewan, Clare Daly**

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

#### **Article 17 – paragraph 1 – subparagraph 2**

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

Where the crypto-asset service provider of

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##### *Amendment*

Where the crypto-asset service provider of

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the beneficiary becomes aware, when receiving transfers of crypto-assets, that the information referred to in Article 14(1) or (2) or Article 15 is missing or incomplete, the crypto-asset service provider shall reject the transfer or ask for the required information on the originator and the beneficiary before *or after* making the crypto-assets available to the beneficiary, on a risk-sensitive basis.

the beneficiary becomes aware, when receiving transfers of crypto-assets, that the information referred to in Article 14(1) or (2) or Article 15 is missing or incomplete, the crypto-asset service provider shall reject the transfer or ask for the required information on the originator and the beneficiary before making the crypto-assets available to the beneficiary, on a risk-sensitive basis.

Or. en

## **Amendment 292**

**Paul Tang, Aurore Lalucq**

### **Proposal for a regulation**

#### **Article 17 – paragraph 1 – subparagraph 2**

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

Where the crypto-asset service provider of the beneficiary becomes aware, when receiving transfers of crypto-assets, that the information referred to in Article 14(1) or (2) or Article 15 is missing or incomplete, the crypto-asset service provider shall reject the transfer or ask for the required information on the originator and the beneficiary before *or after* making the crypto-assets available to the beneficiary, on a risk-sensitive basis.

##### *Amendment*

Where the crypto-asset service provider of the beneficiary becomes aware, when receiving transfers of crypto-assets, that the information referred to in Article 14(1) or (2) or Article 15 is missing or incomplete, the crypto-asset service provider shall reject the transfer or ask for the required information on the originator and the beneficiary before making the crypto-assets available to the beneficiary, on a risk-sensitive basis.

Or. en

##### *Justification*

*to avoid crypto-assets leaving the account of the beneficiary before checks are completed.*

## **Amendment 293**

**Lídia Pereira, Lukas Mandl**

### **Proposal for a regulation**

#### **Article 17 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Where a crypto-asset service provider repeatedly fails to provide the required information on the originator or the beneficiary, the crypto-asset service provider of the beneficiary shall take steps, which may initially include the issuing of warnings and setting of deadlines, and return the transferred crypto-assets to the originator's account or address.

Alternatively, the crypto-asset service provider of the beneficiary may hold the transferred crypto-assets without making them available to the beneficiary, pending review by the competent authority responsible for monitoring compliance with anti-money laundering and counter terrorist financing provisions.

*Amendment*

Where a crypto-asset service provider repeatedly fails to provide the required information on the originator or the beneficiary, the crypto-asset service provider of the beneficiary shall take steps, which may initially include the issuing of warnings and setting of deadlines, and return the transferred crypto-assets to the originator's account or address.

Alternatively, the crypto-asset service provider of the beneficiary may hold the transferred crypto-assets without making them available to the beneficiary, pending review by the competent authority responsible for monitoring compliance with anti-money laundering and counter terrorist financing provisions, ***that must decide on the shortest possible term.***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to the need to guarantee decisions in due time.*

**Amendment 294**

**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**

**Article 17 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Where a crypto-asset service provider ***repeatedly*** fails to provide the required information on the originator or the beneficiary, the crypto-asset service provider of the beneficiary shall take steps, which may initially include the issuing of warnings and setting of deadlines, and return the transferred crypto-assets to the originator's account or address. Alternatively, the crypto-asset service

*Amendment*

Where a crypto-asset service provider fails to provide the required information on the originator or the beneficiary, the crypto-asset service provider of the beneficiary shall take steps, which may initially include the issuing of warnings and setting of deadlines, and return the transferred crypto-assets to the originator's account or address. Alternatively, the crypto-asset service provider of the beneficiary may



provider of the beneficiary may hold the transferred crypto-assets without making them available to the beneficiary, pending review by the competent authority responsible for monitoring compliance with anti-money laundering and counter terrorist financing provisions.

hold the transferred crypto-assets without making them available to the beneficiary, pending review by the competent authority responsible for monitoring compliance with anti-money laundering and counter terrorist financing provisions.

Or. en

**Amendment 295**  
**Gunnar Beck, Nicolaus Fest**

**Proposal for a regulation**  
**Article 17 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. In contrast to transfers of funds between wallets hosted by centralised exchanges, where full responsibility of the centralised crypto asset service provider is in place, unhosted wallet transfers sent to wallet hosted by centralised exchanges, and vice versa, shall impose limited liability on the receiving wallet.***

Or. en

*Justification*

*By requiring transfers from un-hosted to hosted wallets to report beneficiary data, more transactions will become transparent. However, the receiving hosted wallets can only be responsible for indicating that the received transfer has (or has not) the full set of required information. The receiving hosted wallet provider should be required to only act with regard to assessing the completeness of the information sent.*

**Amendment 296**  
**Fulvio Martusciello**

**Proposal for a regulation**  
**Article 17 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. While the transfer of funds between wallets hosted by centralised exchanges is under full responsibility of the centralised crypto asset service provider, the transfer of funds from un-hosted wallets to wallets hosted by centralised exchanges, and vice versa, shall imply a limited liability of the receiving wallet.**

Or. en

*Justification*

*By requiring transfers from un-hosted to hosted wallets to report beneficiary data, more transactions will become transparent. However, the receiving hosted wallets can only be responsible for indicating that the received transfer has (or has not) the full set of required information. The receiving hosted wallet provider should be required to only act with regard to assessing the completeness of the information sent.*

#### **Amendment 297**

**Martin Schirdewan, Clare Daly**

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

**Article 17 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Where a crypto-asset service provider repeatedly or systematically fails to provide the required information pursuant to Articles 14 and 16, it shall no longer be authorized to operate in the EU and, in case of a third country, shall not make or receive any transfers to or from EU registered service providers.**

Or. en

#### **Amendment 298**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**  
**Article 18 – paragraph 1**

*Text proposed by the Commission*

The crypto-asset service provider of the beneficiary shall take into account missing or incomplete information on the originator or the beneficiary when assessing whether a transfer of crypto-assets, or any related transaction, is suspicious and whether it is to be reported to the FIU in accordance with **Regulation [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]**.

*Amendment*

The crypto-asset service provider of the beneficiary shall take into account missing or incomplete information on the originator or the beneficiary when assessing whether a transfer of crypto-assets, or any related transaction, is suspicious and whether it is to be reported to the FIU in accordance with Directive (EU) 2015/849.

Or. en

*Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

**Amendment 299**  
**Martin Schirdewan**

**Proposal for a regulation**  
**Article 18 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 18 a**

***Joint obligations on crypto-asset service providers***

***1. Crypto-asset service providers shall develop and apply monitoring and tracing procedures for the specific purpose only to detect any possible illicit origin of a transfer or the use of tumblers, mixers or other methods of concealing the origin of transfers. Any such suspicious or illicit***

*activity uncovered by the monitoring procedures shall be reported to the FIU immediately and, if possible, the transferred crypto-assets shall be held back by the crypto-asset service provider without making them available to the beneficiary, pending review by the competent authority responsible for monitoring compliance with anti-money laundering and counter terrorist financing provisions.*

*2. Crypto-asset service providers or other obliged entities shall apply enhanced customer due diligence measures in case of a transfer of crypto-assets from or to a crypto-asset provider identified by the European Banking Authority as a crypto-asset provider subject to enhanced due diligence measures.*

*3. Crypto-asset service providers or other obliged entities shall not facilitate any transfer of crypto-assets from or to a crypto-asset service provider identified by the European Banking Authority as subject to a prohibition of crypto-asset transfers.*

*4. For the purposes of paragraphs 2 and 3, the European Banking Authority shall set up non-exhaustive public registers of crypto-asset providers within or outside of the European union of:*

*(a) crypto-asset service providers subject to enhanced due diligence measures;*

*(b) crypto-asset service providers subject to a prohibition of crypto-asset transfers.*

*5. In order to identify crypto-asset service providers to be included in the registers referred to in paragraph 4 (a) and (b), the European Banking Authority shall conduct a risk assessment taking into account:*

*(a) whether the crypto-asset service provider is registered or has a contact point in any recognised jurisdiction, or is registered or domiciled in a country included in the top tier of the financial*

*secrecy index or the corporate tax havens index of the tax justice network, the EU AML/CFT list of high risk third country or in a sanctioned jurisdiction, or in the EU list of non-cooperative jurisdictions for tax purposes;*

*(b) whether the crypto-asset service provider frequently facilitates transfers from or to unhosted wallets with or without conducting any form of identification and verification of the agents behind the unhosted wallets;*

*(c) whether the crypto-asset service provider conducts any form of customer due diligence measures and whether these are conducted to an appropriate extent;*

*(d) whether the crypto-asset service provider offers mixing or tumbling services, privacy wallets, or other anonymising services for transfers of crypto-assets;*

*(e) whether the crypto-asset service provider offers services of transfers of crypto-assets in the Union without the required authorisation under Regulation [Regulation on Markets in Crypto-assets];*

*(f) whether the crypto-asset service provider has proven links to illegal activities;*

*(g) whether the crypto-asset service provider appears to have been involved in suspicious activities based on monitoring procedures applied by other obliged entities in accordance with paragraph 1.*

*6. For the purpose of applying enhanced due diligence measures referred to in paragraph 2, obliged entities shall increase the degree and nature of the application of monitoring and tracing procedures for transfers of crypto-assets referred to in paragraph 1, in order to determine whether the transaction appears suspicious.*

*7. The European Banking Authority in cooperation with the European Securities*

***and Markets Authority shall develop guidelines for the obligations established in this Article.***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers. It includes a suggestion to establish an obligation for CASPs to apply monitoring tools to support the detection of suspicious or illicit activities. In addition, it suggests the establishment of a register of high risk and non-compliant crypto-asset service providers as a tool to support CASPs counterparty due diligence for the purpose of complying with the travel rule in the context of crypto-assets transfers.*

**Amendment 300**

**Clare Daly**

**Proposal for a regulation**

**Article 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 18 a***

***Joint obligations on crypto-asset service providers***

***1. Crypto-asset service providers or other obliged entities shall not facilitate any transfer of crypto-assets from or to a crypto-asset provider identified by the European Banking Authority as subject to a prohibition of crypto-asset transfers.***

***2. For the purposes of paragraph 1, the European Banking Authority shall set up non-exhaustive public registers of crypto-asset providers within or outside of the European union of:***

***(a) crypto-asset service providers subject to enhanced due diligence measures;***

***(b) crypto-asset service providers subject to a prohibition of crypto-asset transfers.***

***3. In order to identify crypto-asset service providers to be included in the registers referred to in paragraph 2 points (a) and***

***(b), the European Banking Authority shall conduct a risk assessment taking into account:***

***(a) whether the crypto-asset service provider is registered or has a contact point in any recognised jurisdiction, or is registered or domiciled in a country included in the top tier of the financial secrecy index or the corporate tax havens index of the tax justice network; or in the EU list of non-cooperative jurisdictions for tax purposes;***

***(b) whether the crypto-asset providers frequently transfers from or to unhosted wallets with or without conducting any form of identification and verification of the agents behind the unhosted wallets;***

***(c) whether the crypto-asset service provider conducts any form of customer due diligence measures and whether these are conducted to an appropriate extent;***

***(d) whether the crypto-asset service provider offers mixing or tumbling services, privacy wallets, or other anonymising services for transfers of crypto-assets;***

***(e) whether the crypto-asset service provider offers services of transfers of crypto-assets in the Union without the required authorisation under Regulation [Regulation on Markets in Crypto-assets];***

***(f) whether the crypto-asset service provider has proven links to illegal activities;***

***(g) whether the crypto-asset service provider appears to be involved in suspicious activities based on reporting by other obliged entities.***

***3. The European Banking Authority in cooperation with the European Securities and Markets Authority shall develop guidelines for the obligations established in this Article.***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible elements of this proposal relating to the risks posed by crypto-asset transfers. Suggests to set up registers of non-compliant crypto asset service providers as a tool to monitor CASPs compliance to due diligence procedures and links to suspicious activities.*

**Amendment 301**

**Paul Tang, Aurore Lalucq**

**Proposal for a regulation**

**Article 18 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 18 a**

***Prohibition of transfers involving non-compliant crypto-asset service providers***

***1. Crypto-asset service providers or other obliged entities shall not facilitate any transfer of crypto-assets to or from crypto-asset service providers that :***

***(a) are registered or domiciled in a country included in the EU AML/CFT list of high risk third country or in a sanctioned jurisdiction, or on Annex I or II to the EU list of non-cooperative jurisdictions for tax purposes;***

***b) do not have an adequate customer identification and verification procedure;***

***c) offer mixing or tumbling services, privacy wallets, or other anonymising services for transfers of crypto-assets;***

***d) offer services of transfers of crypto-assets without authorisation under Regulation [Regulation on Markets in Crypto-assets];***

***e) have proven links to illegal activities.***

Or. en

*Justification*

*Amended from co-rapporteurs (AM 68) to avoid excessively burdensome role for EBA*



## **Amendment 302**

**Ondřej Kovařík, Bart Groothuis, Caroline Nagtegaal, Olivier Chastel, Dragoș Pișlaru, Gilles Boyer, Lucia Ďuriš Nicholsonová, Luis Garicano, Fabienne Keller, Dragoș Tudorache, Michal Šimečka, Ramona Strugariu**

### **Proposal for a regulation**

#### **Article 18 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 18 a*

##### *Use of mixing and tumbling services*

*1. Crypto-asset service providers offering mixing or tumbling services, privacy wallets, or other anonymising services for transfers of crypto-assets or other obliged entities shall request users of those services, to provide a justification of legitimate use, where appropriate, for the purposes of mitigating money laundering and terrorist financing.*

Or. en

#### *Justification*

*Mixers (also known as tumblers) play a key role in the facilitation of money laundering involving crypto assets. However, mixing services can be used for legitimate purposes, since protecting your privacy is perfectly legitimate. Therefore, this tool should be prohibited for the use of money laundering, but a complete ban would be inordinate.*

## **Amendment 303**

**Paul Tang, Aurore Lalucq**

### **Proposal for a regulation**

#### **Article 18 b (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 18 b*

##### *Prohibition of transfers to unhosted wallets*

*Crypto-asset service providers or other obliged entities shall not facilitate any*

*transfer of crypto-assets to unhosted wallets.*

Or. en

*Justification*

*to avoid crypto-assets leaving the regulated system*

**Amendment 304**

**Ernest Urtasun, Assita Kanko**

**Proposal for a regulation**

**Chapter III – Section 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***OBLIGATIONS ON INTERMEDIARY  
CRYPTO-ASSET SERVICE  
PROVIDERS***

***Article 18xx (new)***

***Retention of information on the  
originator and the beneficiary with the  
transfer***

***Intermediary crypto-asset service  
providers shall ensure that all the  
information received on the originator  
and the beneficiary that accompanies a  
transfer of funds is transmitted with the  
transfer and that records of such  
information are retained and made  
available on request to the competent  
authorities.***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers. New section on intermediary crypto-asset service providers is added in analogy with the framework applicable to intermediary payment service providers and in line with international standards.*

**Amendment 305**  
**Ernest Urtasun, Assita Kanko**

**Proposal for a regulation**  
**Article 18 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 18 a**

***Measures to mitigate risks deriving from transfers involving privacy wallets and anonymising services***

***Crypto-asset service providers or other obliged entities shall not facilitate any transfer of crypto-assets to or from privacy wallets, mixers or tumblers, or other anonymising services in relation to the transfer of crypto-assets.***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers.*

**Amendment 306**  
**Ernest Urtasun, Assita Kanko**

**Proposal for a regulation**  
**Article 18 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 18 b**

***Detection of missing information on the originator or the beneficiary***

***1. The intermediary crypto-asset service provider shall implement effective procedures, including, where appropriate, monitoring after or during the transfers, to detect whether the information referred to in Article 14(1) points (a), (b) and (c) and Article 14 (2) points (a), (b) and (ba) on the originator or the beneficiary is***

*submitted with the transfer of crypto-assets or batch file transfer, including where the transfer is made from an unhosted wallet.*

*2. Before making the crypto-assets available to the beneficiary, the intermediary crypto-asset service provider of the beneficiary shall verify the accuracy of the information on the beneficiary referred to in paragraph 1 on the basis of documents, data or information obtained from a reliable and independent source, without prejudice to the requirements laid down in Articles 83 and 84 of Directive (EU) 2015/2366.*

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers.*

**Amendment 307**

**Ernest Urtasun, Assita Kanko**

**Proposal for a regulation**

**Article 18 c (new)**

*Text proposed by the Commission*

*Amendment*

*Article 18 c*

*Transfers of crypto-assets with missing information on the originator or the beneficiary*

*1. The intermediary crypto-asset service provider shall implement effective risk-based procedures, including procedures based on the risk-sensitive basis referred to in Article 13 of Directive (EU) 2015/849, or determining whether to execute, reject or suspend a transfer of crypto-asset lacking the required complete originator and beneficiary information and for taking the appropriate follow up*

*action.*

*Where the intermediary crypto-asset service provider becomes aware, when receiving transfers of crypto-assets, that the information referred to in Article 14(1), points (a), (b) and (c), Article 14, points (2)(a) and (b), or Article 15 is missing or incomplete, the intermediary crypto-asset service provider shall reject the transfer or ask for the required information on the originator and the beneficiary before or after making the crypto-assets available to the beneficiary, on a risk-sensitive basis.*

*Alternatively, the crypto-asset service provider or obliged entity of the beneficiary may hold the transferred crypto-assets without making them available to the beneficiary, until such information has been obtained.*

*2. Where a crypto-asset service provider repeatedly fails to provide the required information on the originator or the beneficiary, the intermediary crypto-asset service provider shall take steps, which may initially include the issuing of warnings and setting of deadlines, and return the transferred crypto-assets to the originator's crypto-asset account or wallet address.*

*The crypto-asset service provider or obliged entity of the beneficiary shall also determine whether to reject any future transfers of crypto-assets from, restrict or terminate its business relationship with, that crypto-asset service provider or obliged entity.*

*The intermediary crypto-asset service provider shall report that failure, and the steps taken, to the competent authority responsible for monitoring compliance with anti-money laundering and counter terrorist financing provisions.*

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers.*

**Amendment 308**

**Ernest Urtasun, Assita Kanko**

**Proposal for a regulation**

**Article 18 d (new)**

*Text proposed by the Commission*

*Amendment*

**Article 18 d**

**Assessment and reporting**

***The intermediary crypto-asset service provider shall take into account missing information on the originator or the beneficiary as a factor when assessing whether a transfer of crypto-asset, or any related transaction, is suspicious, and whether it is to be reported to the FIU in accordance with Directive (EU) 2015/849.***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers.*

**Amendment 309**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**

**Article 19 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Payment service providers and crypto-asset service providers shall respond fully and without delay, including by means of a central contact point in accordance with Article 5(1) of *[please insert reference – proposal for a directive on the*

Payment service providers and crypto-asset service providers shall respond fully and without delay, including by means of a central contact point in accordance with Article 45(9) of Directive (EU) 2015/849, where such a contact point has been

*mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing* Directive (EU) 2015/849], where such a contact point has been appointed, and in accordance with the procedural requirements laid down in the national law of the Member State in which they are established, to enquiries exclusively from the authorities responsible for preventing and combating money laundering or terrorist financing of that Member State concerning the information required under this Regulation.

appointed, and in accordance with the procedural requirements laid down in the national law of the Member State in which they are established, to enquiries exclusively from the authorities responsible for preventing and combating money laundering or terrorist financing of that Member State concerning the information required under this Regulation.

Or. en

#### *Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

#### **Amendment 310**

**Lídia Pereira, Lukas Mandl**

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

#### **Article 20 – paragraph 3**

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

3. Payment service providers and crypto-asset service providers shall provide new clients with the information required pursuant to Article 13 of Regulation (EU) 2016/679 before establishing a business relationship or carrying out an occasional transaction. That information shall, in particular, **include** a general notice concerning the legal obligations of payment service providers and crypto-asset service providers under this Regulation when processing personal data for the purposes of the prevention of money laundering and terrorist financing.

##### *Amendment*

3. Payment service providers and crypto-asset service providers shall provide new clients with the information required pursuant to Article 13 of Regulation (EU) 2016/679 before establishing a business relationship or carrying out an occasional transaction. That information shall **be accessible, clear and transparent**, in particular, **including** a general notice concerning the legal obligations of payment service providers and crypto-asset service providers under this Regulation when processing personal data for the purposes of the prevention of money

laundering and terrorist financing.

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to guarantee that information to new clients is communicated in an accessible, clear and transparent way; especially in the cross-border context of crypto-assets.*

**Amendment 311**

**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**

**Article 21 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Where, on [the date of application of this Regulation], legal proceedings concerned with the prevention, detection, investigation or prosecution of suspected money laundering or terrorist financing are pending in a Member State, and an obliged entity holds information or documents relating to those pending proceedings, the obliged entity may retain that information or those documents, in accordance with national law, for a period of 5 years after the end of a business relationship from [the date of application of this Regulation].***

***Member States may, without prejudice to national criminal law on evidence applicable to ongoing criminal investigations and legal proceedings, allow or require the retention of such information or documents for a further period of 5 years after the end of a business relationship where the necessity and proportionality of such further retention have been established for the prevention, detection, investigation or prosecution of suspected money laundering or terrorist financing.***



*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers. Suggestion to provide for an option to extend the retention period on personal data where the necessity and proportionality for such a retention have been established for the purpose of countering money laundering.*

**Amendment 312**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**

**Article 21 – paragraph 2**

*Text proposed by the Commission*

2. Upon expiry of the retention period referred to in paragraph 1, payment service providers and crypto-asset service providers shall ensure that the personal data is deleted.

*Amendment*

2. Upon expiry of the retention period referred to in paragraph 1, payment service providers and crypto-asset service providers shall ensure that the personal data is **permanently** deleted.

*Justification*

*This amendment is linked to having a safeguard that personal data is deleted permanently; especially in the context of digital data.*

**Amendment 313**

**Gwendoline Delbos-Corfield, Ernest Urtasun**

**Proposal for a regulation**

**Article 21 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 21 a**

***Cooperation among competent authorities***

***The exchange of information among national competent authorities and with relevant third country authorities under this Regulation is subject to the provisions laid down in Directive (EU) 2015/849.***

***Without prejudice to the provisions on cooperation contained in that Directive (EU) 2015/849, Member States shall ensure that the exchange of information among national competent authorities and with third countries authorities is conducted in accordance with the rule of law and the fundamental rights and principles recognised by the Charter of Fundamental Rights of the European Union.***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers.*

**Amendment 314**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**

**Article 22 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Without prejudice to the right to provide for and impose criminal sanctions, Member States shall lay down the rules on administrative sanctions and measures applicable to breaches of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The sanctions and measures provided for shall be effective, proportionate and dissuasive and shall be consistent with those laid down in accordance with Chapter *IV*, Section 4, of ***[please insert reference – proposal for a directive on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849].***

*Amendment*

Without prejudice to the right to provide for and impose criminal sanctions, Member States shall lay down the rules on administrative sanctions and measures applicable to breaches of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The sanctions and measures provided for shall be effective, proportionate and dissuasive and shall be consistent with those laid down in accordance with Chapter *VI*, Section 4, of Directive (EU) 2015/849.

*Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

**Amendment 315****Lídia Pereira, Lukas Mandl****Proposal for a regulation****Article 22 – paragraph 4***Text proposed by the Commission*

4. In accordance with Article **39 of [please insert reference – proposal for a directive on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]**, competent authorities shall have all the supervisory and investigatory powers that are necessary for the exercise of their functions. In the exercise of their powers to impose administrative sanctions and measures, competent authorities shall cooperate closely to ensure that those administrative sanctions or measures produce the desired results and coordinate their action when dealing with cross-border cases.

*Amendment*

4. In accordance with Article **58(4) of Directive (EU) 2015/849**, competent authorities shall have all the supervisory and investigatory powers that are necessary for the exercise of their functions. In the exercise of their powers to impose administrative sanctions and measures, competent authorities shall cooperate closely to ensure that those administrative sanctions or measures produce the desired results and coordinate their action when dealing with cross-border cases.

*Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

**Amendment 316**  
**Martin Schirdewan, Clare Daly**

**Proposal for a regulation**  
**Article 22 – paragraph 4**

*Text proposed by the Commission*

4. In accordance with Article 39 of [please insert reference – proposal for a directive on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849], competent authorities shall have all the supervisory and investigatory powers that are necessary for the exercise of their functions. In the exercise of their powers to impose administrative sanctions and measures, competent authorities shall cooperate closely to ensure that those administrative sanctions or measures produce the desired results and coordinate their action when dealing with cross-border cases.

*Amendment*

4. In accordance with Article 39 of [please insert reference – proposal for a directive on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849], competent authorities shall have ***appropriate resources and*** all the supervisory and investigatory powers that are necessary for the exercise of their functions. In the exercise of their powers to impose administrative sanctions and measures, competent authorities shall cooperate closely to ensure that those administrative sanctions or measures produce the desired results and coordinate their action when dealing with cross-border cases.

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers. Suggestion to ensure that competent authorities are well-resourced to complete their tasks with respect to the supervision of the application of the travel rule.*

**Amendment 317**  
**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**  
**Article 23 – paragraph 1 – introductory part**

*Text proposed by the Commission*

Member States shall ensure that their administrative sanctions and measures

*Amendment*

Member States shall ensure that their administrative sanctions and measures

include at least those laid down by *Articles 40(2), 40(3) and 41(1) of [please insert reference – proposal for a directive on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]* in the event of the following breaches of this Regulation:

include at least those laid down by *Article 59(2) and (3) of Directive (EU) 2015/849* in the event of the following breaches of this Regulation:

Or. en

*Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

**Amendment 318**

**Paul Tang, Aurore Lalucq**

**Proposal for a regulation**

**Article 23 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) facilitated transfers of crypto-assets to non-compliant crypto-asset service providers in breach of Article 18a*

Or. en

*Justification*

*to reflect the addition of article 18a*

**Amendment 319**

**Paul Tang, Aurore Lalucq**

**Proposal for a regulation**

**Article 23 – paragraph 1 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

**(db) facilitated transfers of crypto-assets to unhosted wallets in breach of Article 18b**

Or. en

*Justification*

*to reflect the addition of article 18b*

### **Amendment 320**

**Lídia Pereira, Lukas Mandl**

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

#### **Article 24 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

In accordance with Article **42 of [please insert reference – proposal for a directive on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]**, the competent authorities shall publish administrative sanctions and measures imposed in the cases referred to in Articles 22 and 23 of this Regulation without undue delay, including information on the type and nature of the breach and the identity of the persons responsible for it, if necessary and proportionate after a case-by-case evaluation.

In accordance with Article **60(1), (2) and (3) of Directive (EU) 2015/849**, the competent authorities shall publish administrative sanctions and measures imposed in the cases referred to in Articles 22 and 23 of this Regulation without undue delay, including information on the type and nature of the breach and the identity of the persons responsible for it, if necessary and proportionate after a case-by-case evaluation.

Or. en

*Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

## Amendment 321

Lídia Pereira, Lukas Mandl

### Proposal for a regulation

#### Article 25 – paragraph 1

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

1. When determining the type of administrative sanctions or measures and the level of administrative pecuniary sanctions, the competent authorities shall take into account all relevant circumstances, including those listed in Article 39(5) of [...].

##### *Amendment*

1. When determining the type of administrative sanctions or measures and the level of administrative pecuniary sanctions, the competent authorities shall take into account all relevant circumstances, including those listed in Article 60(4) of **Directive (EU) 2015/849**.

Or. en

##### *Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

## Amendment 322

Lídia Pereira, Lukas Mandl

### Proposal for a regulation

#### Article 25 – paragraph 2

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

2. As regards administrative sanctions and measures imposed in accordance with this Regulation, **Articles 6(6) and 44 [...]** of [...]**Directive (EU) [please insert reference – proposal for a directive on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849]** shall apply.

##### *Amendment*

2. As regards administrative sanctions and measures imposed in accordance with this Regulation, **Article 62** of Directive (EU) 2015/849 shall apply.

*Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

**Amendment 323****Lídia Pereira, Lukas Mandl****Proposal for a regulation****Article 26 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

Member States shall establish effective mechanisms to encourage the reporting to competent authorities of breaches of this Regulation.

*Amendment*

Member States shall establish effective **and proportionate** mechanisms to encourage the reporting to competent authorities of breaches of this Regulation.

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to the principle of proportionality on the obligations of competent authorities.*

**Amendment 324****Lídia Pereira, Lukas Mandl****Proposal for a regulation****Article 26 – paragraph 1 – subparagraph 2***Text proposed by the Commission*

Those mechanisms shall include at least those referred to in Article **43 of [please insert reference – proposal for a directive on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing** Directive (EU)

*Amendment*

Those mechanisms shall include at least those referred to in Article **61(2) of** Directive (EU) 2015/849.



*Justification*

*Ensure the entering in force of this Regulation in a proper time, deleting the reference to the Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as this is an ongoing legislative procedure and the Parliament must guarantee the entering into force of this Regulation as soon as possible.*

**Amendment 325**

**Lídia Pereira, Lukas Mandl**

**Proposal for a regulation**

**Article 27 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall require competent authorities to monitor effectively and to take the measures necessary to ensure compliance with this Regulation and encourage, through effective mechanisms, the reporting of breaches of the provisions of this Regulation to competent authorities.

*Amendment*

1. Member States shall require competent authorities to monitor effectively and to take the measures necessary to ensure compliance with this Regulation and encourage, through effective ***and proportionate*** mechanisms, the reporting of breaches of the provisions of this Regulation to competent authorities.

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to the principle of proportionality on the obligations of competent authorities.*

**Amendment 326**

**Ondřej Kovařík, Olivier Chastel, Dragoș Pîslaru, Gilles Boyer, Lucia Ďuriš Nicholsonová, Luis Garicano, Caroline Nagtegaal, Fabienne Keller, Dragoș Tudorache, Michal Šimečka, Ramona Strugariu**

**Proposal for a regulation**

**Article 27 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The Commission shall update and align this Regulation where necessary following the entry into force of Regulation [please insert reference – proposal for a Regulation on Markets in Crypto-assets, and amending Directive (EU) 2019/1937-COM/2020/593 final] and Regulation [please insert reference – proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849].**

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to risk posed by crypto-asset transfers.*

### **Amendment 327**

**Lídia Pereira, Lukas Mandl**

#### **Proposal for a regulation Article 29 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Upon receipt by the Commission of such a request, transfers of funds between that Member State and the country or territory concerned shall be provisionally treated as transfers of funds within that Member State until a decision is reached in accordance with this Article.

3. Upon receipt by the Commission of such a request, transfers of funds between that Member State and the country or territory concerned shall be provisionally treated as transfers of funds within that Member State until a decision is reached in accordance with this Article. **Such decision shall be made without undue delay.**

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments relating to the factor*

*for speed posed by crypto-asset transfers.*

## **Amendment 328**

**Lídia Pereira, Lukas Mandl**

### **Proposal for a regulation**

#### **Article 29 – paragraph 6 – subparagraph 1**

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

Within three months of the notification referred to in paragraph 5 of this Article, the Commission shall decide whether to authorise the Member State concerned to conclude the agreement that is the subject of the request. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).

##### *Amendment*

Within three months of the notification referred to in paragraph 5 of this Article, the Commission shall decide, ***without undue delay***, whether to authorise the Member State concerned to conclude the agreement that is the subject of the request. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).

Or. en

##### *Justification*

*This amendment is inextricably linked to other admissible amendments relating to the need to guarantee a decision from the Commission in due time.*

## **Amendment 329**

**Aurore Lalucq**

### **Proposal for a regulation**

#### **Article 30 – paragraph 1**

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

The ESAs shall issue guidelines addressed to the competent authorities ***and the*** payment service providers in accordance with Article 16 of Regulation (EU) ***No 1093/2010*** on measures to be taken in accordance with this Regulation, in particular as regards the implementation of Articles 7, 8, 11 and 12 thereof. From 1 January 2020, EBA shall, where appropriate, issue such guidelines.

##### *Amendment*

The ESAs shall issue guidelines addressed to the competent authorities, payment ***service providers, and crypto asset*** service providers in accordance with Article 16 of Regulation (EU) ***No 1093/2010*** on measures to be taken in accordance with this Regulation, in particular as regards the implementation of Articles 7, 8, 11 and 12 ***and Articles 14 and 17*** thereof, ***as well as guidelines specifying technical aspects in***

*relation to direct debits*. From 1 January 2020, EBA shall, where appropriate, issue such guidelines.

Or. en

**Amendment 330**  
**Ernest Urtasun, Assita Kanko**

**Proposal for a regulation**  
**Article 30 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The EBA shall issue guidelines specifying technical aspects of the application of this Regulation to direct debits as well as the measures to be taken by payment initiation service providers under this Regulation, taking into account their limited role in the payment transaction.***

Or. en

*Justification*

*Amendments aim to address the urgent need to clarify the technical aspects of application of this Regulation in context of direct debits and payment initiation services with the aim to ensure that providers can comply with their legal obligations.*

**Amendment 331**  
**Fulvio Martusciello**

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

*Text proposed by the Commission*

*Amendment*

***Article 30 a***

***By ... [two years from the date of application of this Regulation], the Commission shall submit to the European Parliament and to the Council a report on the application and enforcement of this Regulation accompanied, if appropriate,***

*by a legislative proposal. That report shall include the following elements:*

*(a) an assessment of the effectiveness of existing measures and technical solutions for their application and compliance obligations on crypto-asset service providers;*

*(b) an analysis of the need, feasibility and proportionality of specific measures to mitigate the risks posed by transfers from or to unhosted wallets, including possible requirements for the identification and verification of their beneficial owner;*

*(c) an analysis of the trends in the use of unhosted wallets to perform transfers without any involvement of a third party, together with an assessment of the related money laundering and terrorist financing risks and mitigating measures, including possible obligations for providers of hardware and software wallets and transaction limits;*

*(d) an assessment of the application of sanctions, in particular whether they are effective, proportionate and dissuasive, and the need to further harmonise the administrative sanctions laid down for infringements of the requirements established in this Regulation;*

*g) an assessment of the effectiveness of international cooperation and information exchange between competent authorities and FIUs.*

*h) an assessment of the latest technological developments in blockchain analytics and know-your-transactions assessment;*

*i) an assessment on the latest developments in crypto-asset industry-led standard setting initiatives that mirror existing messaging and reporting data standards in the traditional banking sector;*

*The report referred to in point g shall take into account the developments as well as*

*relevant evaluations, assessments or reports drawn up by international organisations and standard setters in the field of preventing money laundering and combating terrorist financing, law enforcement authorities and intelligence agencies and any information provided by crypto-assets service providers or reliable sources.*

Or. en

### *Justification*

*Unlike traditional finance, movement from and to every address on every public blockchain can be seen by anyone. Combined with the rise of analytical tools and methods which use this new type of transparency, transfers in crypto assets benefit from a specific and advanced layer of assessment which can be utilised in the fight against financial crime. The EU should be a leader in this field and encourage that this particular technology evolution is considered when our AML framework. The crypto asset industry is endeavouring in developing effective Travel Rule solutions based on standardised data fields and messaging. Nevertheless, messaging and reporting data standards in the industry are not set yet, and until there is a standard for crypto, the ability of a crypto-asset service provider to seamlessly integrate information accompanying transfers coming from multiple other service providers will be hindered. The EU should be thoroughly monitoring developments in the industry, in order to be the first to acknowledge and integrate the impact of adopted messaging and reporting data standards that help the industry fight ML risks in an efficient and sustainable way.*

### **Amendment 332**

**Lídia Pereira, Lukas Mandl**

### **Proposal for a regulation**

#### **Article 30 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 30 a*

*Review Clause*

*By ... [please insert date - three years after the date of entry in force of this Regulation], the Commission shall submit to the European Parliament and to the Council a report on the application and enforcement of this Regulation accompanied, if appropriate, by a legislative proposal.*

***That report shall include the following elements:***

***(a) an assessment of the effectiveness of existing measures and technical solutions for their application and compliance obligations on payment service providers and crypto-asset service providers, as well as the data protection and privacy implications of the Regulation;***

***(b) an assessment of the effectiveness of international cooperation and exchange of information between competent authorities and FIUs;***

***(c) an assessment of the latest technological developments in blockchain analytics and know-your-transaction assessment;***

***(d) an assessment on the latest developments in crypto-asset industry-led standard settings initiatives that mirror existing messaging and reporting data standards in other sectors;***

***(e) an assessment on the information provided by the market operators, namely banks, payment service providers, crypto-assets service providers, etc;***

***(f) an assessment on the most relevant and topical recommendations of international organisations and standard setters in the field of preventing money laundering and combating terrorist financing;***

***(g) an assessment on the systematic coherence of this Regulation with the European legislation on Anti-Money Laundering and Countering Terrorist Financing (AML/CFT).***

Or. en

#### *Justification*

*This amendment is linked to the need to guarantee an effective assessment on the implementation of this Regulation.*

**Amendment 333**  
**Markus Ferber**

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

*Text proposed by the Commission*

*Amendment*

**Article 30 a**

**Review**

***By ... [three years from the date of application of this Regulation], the Commission shall submit to the European Parliament and to the Council a report on the application and enforcement of this Regulation accompanied, if appropriate, by a legislative proposal. That report shall at least include the following elements:***

***a) an assessment of the overall effectiveness of the measures of this Regulation;***

***b) an assessment as regards to the suitability of the de-minimis thresholds***

***b) an assessment as regards to the suitability of provisions on administrative sanctions as outlined in chapter V of this Regulation;***

Or. en

**Amendment 334**  
**Gwendoline Delbos-Corfield**

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

*Text proposed by the Commission*

*Amendment*

**Article 30 a**

**Review Clause**

***By ... [two years from the date of application of this Regulation], the Commission shall submit to the European Parliament and to the Council a report on***



*the application and enforcement of this Regulation accompanied, if appropriate, by a legislative proposal. The report shall also include an assessment of the impact of the measures provided for in this Regulation on data protection, as well as an assessment of the need and effectiveness of introducing a de minimis threshold related to the set of information accompanying transfers of crypto-assets as per wire transfers.*

Or. en

**Amendment 335**

**Ondřej Kovařík, Olivier Chastel, Dragoș Pîslaru, Gilles Boyer, Lucia Āuriř Nicholsonov, Luis Garicano, Caroline Nagtegaal, Fabienne Keller, Dragoș Tudorache, Michal řimečka, Ramona Strugariu**

**Proposal for a regulation  
Article 31 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 31 a*

*Alignment with Regulation [please insert reference – proposal for a Regulation on Markets in Crypto-assets]*

*Following the publication of Regulation [please insert reference – proposal for a Regulation on Markets in Crypto-assets, and amending Directive (EU) 2019/1937-COM/2020/593 final] in the Official Journal of the European Union, power is delegated to the Commission to supplement this Regulation by adopting within 3 months a delegated act aligning the definitions contained in article 3, paragraph 1, points 13, 14, 15 and 16 of this Regulation to those in the Regulation [please insert reference – proposal for a Regulation on Markets in Crypto-assets, and amending Directive (EU) 2019/1937-COM/2020/593 final], in case there are any discrepancies.*

**Amendment 336**  
**Gwendoline Delbos-Corfield, Ernest Urtasun**

**Proposal for a regulation**  
**Article 31 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 31 a**

**Transitional provisions**

**1. Where, due to the lack of technological capability, an obliged entity is unable to comply with the requirements laid down under this Regulation, it may request the competent authority to grant an additional transitional period to comply with the Regulation, provided that such request is duly justified.**

**2. The competent authority, after consultation of the EBA, may grant a transitional period up to 6 months, on a case-by-case basis, where duly justified by the lack of technological capability and the scale of operations of the obliged entity, and may require compensatory measures to restrict certain transfers of crypto-assets.**

Or. en

**Amendment 337**  
**Ernest Urtasun, Assita Kanko**

**Proposal for a regulation**  
**Article 31 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 31 a**

**Amendments to Directive (EU) 2015/849**

**1. Directive (EU) 2015/849 is amended as**

*follows:*

*(1) In Article 2 (1) (3), points (h), the following points are added:*

*(ha) providers engaged in the transfer of crypto-assets;*

*(3) In Article 3(19) the following point is added:*

*(19a) ‘transfer of crypto-assets’ means a transfer of crypto-assets as defined in Regulation [please insert reference to Transfer of Funds Regulation(EU) 2015/847]*

*2. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the previous paragraph by [please insert three months after the date of entry into force of this Regulation]. They shall immediately communicate the text of those provisions to the Commission.*

Or. en

#### *Justification*

*Amendment relating to the internal logic of the text since the provisions do not refer anymore to the proposals for a new AML Regulation/Directive, but to the current Directive 2015/849. Moreover, the link with the Regulation on Markets in Crypto-assets (MiCA), as initially proposed in the draft report is removed to allow a swift implementation of this Regulation in light with the new geopolitical context. According to this proposal, the Regulation will apply to providers such as custodial wallets that are already subject to the AMLD and to any additional provider engaged in the transfer of crypto-assets.*

#### **Amendment 338**

**Ondřej Kovařík, Olivier Chastel, Dragoș Pîslaru, Gilles Boyer, Lucia Ďuriš Nicholsonová, Luis Garicano, Caroline Nagtegaal, Fabienne Keller, Dragoș Tudorache, Michal Šimečka, Ramona Strugariu**

#### **Proposal for a regulation Article 31 b (new)**

*Text proposed by the Commission*

*Amendment*

*Article 31 b*

### *Transitory arrangements*

*1. Member States shall ensure that payment service providers, crypto-asset service providers, and intermediary payment service providers are subject to adequate supervision in accordance with Article 47 of Directive 2015/849.*

*2. The ESAs shall be responsible for providing guidance and to assist the relevant supervisors until the date on which the Anti-Money Laundering Authority becomes operational, in accordance with [please insert reference to the date of application of proposal for a AML Authority Regulation].*

*3. For the purposes of paragraph 2, and in order to facilitate and promote effective cooperation, and in particular the exchange of information, the ESAs shall issue guidelines, addressed to competent authorities, on the characteristics of a risk-based approach to supervision and the steps to be taken when conducting supervision on a risk-based basis.*

*Within 3 months of the entry into force of this Regulation, the ESAs shall issue such guidelines, taking into account relevant information on the risks associated with customers, products and services offered by these entities, as well as geographical risk factors.*

Or. en

### *Justification*

*This amendment is inextricably linked to other admissible amendments with regard to risks posed by crypto-assets transfers and the need for coherent supervision between the entry into force of this Regulation and the new Anti-Money Laundering Authority (AMLA)'s start of operations. In the interim, the ESAs should be tasked with providing guidance and assist national supervisors.*

**Amendment 339**  
**Ernest Urtasun, Assita Kanko**

**Proposal for a regulation**  
**Article 32 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*By [please insert 6 months after entry into force of this Regulation] providers of services relating to transfers of crypto-assets that are obliged entities under Directive (EU) 2015/849 shall adopt a rollout plan to carry out the phase-in implementation of this Regulation in accordance with guidelines issued by the EBA, in order to ensure full compliance with the obligations of this Regulation by [please insert 12 months after entry into force of this Regulation].*

*By [please insert 3 months after entry into force of the proposal] EBA shall adopt guidelines to specify the conditions to facilitate the phased-in implementation of this Regulation.*

Or. en

**Amendment 340**  
**Fulvio Martusciello**

**Proposal for a regulation**  
**Article 32 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*It shall apply from 12 months after [please insert reference to the date of application of proposal for a Regulation on Markets in Crypto-assets, and amending Directive (EU) 2019/1937-COM/2020/593 final].*

Or. en

*Justification*

*It will be extremely beneficial should the Transfer of Funds Regulation (TFOFR) and its requirements on CASPs enter into force on a longer timeframe than the application of*

*Markets in Crypto Assets Regulation (MiCA), giving the industry sufficient time to develop the common messaging standards it is currently missing. With these put in place, the efficiency of all transactions, including ones which would have been captured by an EUR 1,000 reporting threshold, would dramatically improve. In the absence of such industry-led standardisation, as we already have in banking, levying TFOFR requirements on every single transaction will be an insurmountable challenge – risking diverting transactions away from the EU where these requirements, and their impact on cost and speed of transfers, will not be in place.*

#### **Amendment 341**

**Lídia Pereira, Lukas Mandl**

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

#### **Article 32 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***It shall apply from [please insert reference to the date of application of proposal for a Regulation on Markets in Crypto-Assets (MiCAR)]***

Or. en

*Justification*

*The longer timeframe should give stakeholder sufficient time to develop common messaging standards.*