



Brussels, 23 January 2015  
(OR. en)

5535/15

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**Interinstitutional Files:**

2013/0024 (COD)  
2013/0025 (COD)

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EF 15  
ECOFIN 41  
DROIPEN 7  
CRIMORG 12  
CODEC 82

**"A" ITEM NOTE**

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From:	General Secretariat of the Council
To:	Council
No. Cion doc.:	COM (2013) 44 final COM (2013) 45 final
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on information accompanying transfers of funds Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing - Approval of the final compromise text

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1. On 7 February 2013, the Commission presented a package composed of two elements:
  - a proposal for a Directive of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (AML Directive)<sup>1</sup>;
  - a proposal for a Regulation of the European Parliament and the Council on information accompanying transfers of funds (AML Regulation)<sup>2</sup>.
2. The European Central Bank delivered its opinion on 17 May 2013. The European Economic and Social Committee delivered its opinion on 23 May 2013. The European Data Protection Supervisor delivered its opinion on 4 July 2013.

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<sup>1</sup> Doc. 6231/13

<sup>2</sup> Doc. 6230/13

3. On 13 February 2013, the joint report by the European Parliament's ECON and LIBE Committees was adopted, and the European Parliament adopted its position at first reading on 11 March 2014<sup>3</sup>.
4. The Committee of Permanent Representatives agreed on a general approach on the above mentioned proposals on 13 June 2014<sup>4</sup>. On that basis, negotiations took place with the European Parliament and the Commission with a view to an early second reading agreement.
5. On 16 December 2014 a provisional agreement was reached which resulted in the final compromise texts on the AML Regulation and Directive as set out in Addendum 1 (AML Regulation) and Addendum 2 (AML Directive) to document 5116/15.
6. Against this background, and following the discussion in the meeting of the Permanent Representatives Committee (Part 2) on 21 January 2015, the Council is invited to:
  - a) endorse the final compromise texts of the AML Regulation and Directive as set out in Addenda 1 and 2 to document 5116/15;
  - b) approve in principle the submission, at a later date, of these final compromise texts as I/A items, firstly for political agreement, and subsequently (following legal-linguistic review) for their adoption as the Council's first-reading positions. This approval would be conditional upon the receipt of an offer letter from the Chairs of the relevant Parliament Committees confirming that the attached texts are acceptable to the Parliament and that, should the Council adopt the agreed texts as its first-reading positions, the Parliament would not adopt any amendments in its second reading to these first-reading positions of the Council.
  - c) enter into its minutes the statements set out in Addendum 3 to document 5116/15.

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<sup>3</sup> Docs. 7386/14 and 7387/14

<sup>4</sup> Docs. 10970/14, 109971/14 and 10973/14