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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 22 July 2021

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject: ANNEXES to the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Authority for Anti-Money Laundering and Countering the Financing of Terrorism and amending Regulations (EU) No 1093/2010, (EU) 1094/2010, (EU) 1095/2010

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Delegations will find attached document COM(2021) 421 final.

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Brussels, 20.7.2021  
COM(2021) 421 final

ANNEXES 1 to 2

**ANNEXES**

**to the**

**Proposal for a  
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing the Authority for Anti-Money Laundering and Countering the Financing of  
Terrorism and amending Regulations (EU) No 1093/2010, (EU) 1094/2010, (EU)  
1095/2010**

## ANNEX I

### **List of the coefficients linked to aggravating and mitigating factors for the application of Article**

List of the coefficients linked to aggravating and mitigating factors for the application of Article 20.

The following coefficients shall be applicable in a cumulative way to the basic amounts referred to in Article 20(6) on the basis of each of the following aggravating and mitigating factors:

#### I. Adjustment coefficients linked to aggravating factors:

1. If the breach has been committed repeatedly, for every time it has been repeated, an additional coefficient of 1,1 shall apply.
2. If the breach has been committed for more than six months, a coefficient of 1,5 shall apply.
3. If the infringement has revealed systemic weaknesses in the organisation of the selected obliged entity, in particular in its procedures, management systems or internal controls, a coefficient of 2,2 shall apply.
4. If the infringement has been committed intentionally, a coefficient of 3 shall apply.
5. If no remedial action has been taken since the breach has been identified, a coefficient of 1,7 shall apply.
6. If the selected obliged entity's senior management has not cooperated with the Authority in carrying out its investigations, a coefficient of 1,5 shall apply.

#### II. Adjustment coefficients linked to mitigating factors:

1. If the selected obliged entity's senior management can demonstrate that they have taken all the necessary measures to prevent the breach, a coefficient of 0,7 shall apply.
2. If the selected obliged entity has brought quickly, effectively and completely the breach to Authority's attention, a coefficient of 0,4 shall apply.
3. If the selected obliged entity has voluntarily taken measures to ensure that similar breach cannot be committed in the future, a coefficient of 0,6 shall apply.

## ANNEX II

### **List of directly applicable requirements referred to in Article 21(1) and 21(3)**

1. Requirements related to customer due diligence referred to in Article 21(3), points (a) and (b) shall be those in : Articles 15, 16, 17, 18, 19, 20, 21, 27, 28, 30, 31, 32, 34, 36, and 37 of [AMLR].
2. Requirements related to group policies and procedures referred to in Article 21(3), point (a) shall be those in : Articles 13 and 14 of [AMLR].
3. Requirements related to reporting obligations referred to in Article 23(3), points (a) and (b) shall be those in : Articles 50, 51 and 52 of [AMLR] and Articles 9, 13 and 18 of [TFR recast].
4. Requirements related to internal policies, controls and procedures referred to in Article 23(3), point (b) shall be those in : Articles 7, 8, 9, 38, 39 and 40 of the [AMLR].
5. Other requirements referred to in Article 23(3), points (c) and (d) shall be those in: Articles 54, 56, 57 and 58 of [AMLR] and Articles 7, 8, 10, 11, 12, 14, 16, 17, 19, 21 of [TFR].