

Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (Text with EEA relevance)

CHAPTER I

GENERAL PROVISIONS

SECTION 1

Subject-matter, scope and definitions

- Article 1 (1) This Directive aims to prevent the use of the...
- Article 2 (1) This Directive shall apply to the following obliged entities:...
- Article 3 For the purposes of this Directive, the following definitions apply:...
- Article 4 (1) Member States shall, in accordance with the risk-based approach,...
- Article 5 Member States may adopt or retain in force stricter provisions...

SECTION 2

Risk assessment

- Article 6 (1) The Commission shall conduct an assessment of the risks...
- Article 7 (1) Each Member State shall take appropriate steps to identify,...
- Article 8 (1) Member States shall ensure that obliged entities take appropriate...

SECTION 3

Third-country policy

- Article 9 (1) Third-country jurisdictions which have strategic deficiencies in their national...

CHAPTER II

CUSTOMER DUE DILIGENCE

SECTION 1

General provisions

- Article 10 (1) Member States shall prohibit their credit institutions and financial...
- Article 11 Member States shall ensure that obliged entities apply customer due...
- Article 12 (1) By way of derogation from points (a), (b) and...
- Article 13 (1) Customer due diligence measures shall comprise:
- Article 14 (1) Member States shall require that verification of the identity...

SECTION 2

Simplified customer due diligence

- Article 15 (1) Where a Member State or an obliged entity identifies...
- Article 16 When assessing the risks of money laundering and terrorist financing...
- Article 17 By 26 June 2017, the ESAs shall issue guidelines addressed...

SECTION 3

Enhanced customer due diligence

- Article 18 (1) In the cases referred to in Articles 18a to...
- Article 18a (1) With respect to business relationships or transactions involving high-risk...
- Article 19 With respect to cross-border correspondent relationships involving the execution of...
- Article 20 With respect to transactions or business relationships with politically exposed...
- Article 20a (1) Each Member State shall issue and keep up to...
- Article 21 Member States shall require obliged entities to take reasonable measures...
- Article 22 Where a politically exposed person is no longer entrusted with...
- Article 23 The measures referred to in Articles 20 and 21 shall...
- Article 24 Member States shall prohibit credit institutions and financial institutions from...

SECTION 4

Performance by third parties

- Article 25 Member States may permit obliged entities to rely on third...
- Article 26 (1) For the purposes of this Section, 'third parties' means...
- Article 27 (1) Member States shall ensure that obliged entities obtain from...
- Article 28 Member States shall ensure that the competent authority of the...

Article 29 This Section shall not apply to outsourcing or agency relationships...

CHAPTER III

BENEFICIAL OWNERSHIP INFORMATION

Article 30 (1) Member States shall ensure that corporate and other legal...
Article 31 (1) Member States shall ensure that this Article applies to...
Article 31a Implementing acts

CHAPTER IV

REPORTING OBLIGATIONS

SECTION 1

General provisions

Article 32 (1) Each Member State shall establish an FIU in order...
Article 32a (1) Member States shall put in place centralised automated mechanisms,...
Article 32b (1) Member States shall provide FIUs and competent authorities with...
Article 33 (1) Member States shall require obliged entities, and, where applicable,...
Article 34 (1) By way of derogation from Article 33(1), Member States...
Article 35 (1) Member States shall require obliged entities to refrain from...
Article 36 (1) Member States shall ensure that if, in the course...
Article 37 Disclosure of information in good faith by an obliged entity...
Article 38 (1) Member States shall ensure that individuals, including employees and...

SECTION 2

Prohibition of disclosure

Article 39 (1) Obligated entities and their directors and employees shall not...

CHAPTER V

DATA PROTECTION, RECORD-RETENTION AND STATISTICAL DATA

Article 40 (1) Member States shall require obliged entities to retain the...
Article 41 (1) The processing of personal data under this Directive is...
Article 42 Member States shall require that their obliged entities have systems...
Article 43 The processing of personal data on the basis of this...
Article 44 (1) Member States shall, for the purposes of contributing to...

CHAPTER VI

POLICIES, PROCEDURES AND SUPERVISION

SECTION 1

Internal procedures, training and feedback

- Article 45 (1) Member States shall require obliged entities that are part...
Article 46 (1) Member States shall require that obliged entities take measures...

SECTION 2

Supervision

- Article 47 (1) Member States shall ensure that providers of exchange services...
Article 48 (1) Member States shall require the competent authorities to monitor...

SECTION 3

Cooperation

Subsection I

National cooperation

- Article 49 Member States shall ensure that policy makers, the FIUs, supervisors...

Subsection II

Cooperation with the ESAs

- Article 50 The competent authorities shall provide the ESAs with all the...

Subsection IIa

Cooperation between competent authorities of the Member States

- Article 50a Member States shall not prohibit or place unreasonable or unduly...

Subsection III

Cooperation between FIUs and with the Commission

- Article 51 The Commission may lend such assistance as may be needed...
Article 52 Member States shall ensure that FIUs cooperate with each other...
Article 53 (1) Member States shall ensure that FIUs exchange, spontaneously or...

- Article 54 Information and documents received pursuant to Articles 52 and 53...
- Article 55 (1) Member States shall ensure that the information exchanged pursuant...
- Article 56 (1) Member States shall require their FIUs to use protected...
- Article 57 Differences between national law definitions of predicate offences as referred...

Subsection IIIa

Cooperation between competent authorities supervising credit and financial institutions and other authorities bound by professional secrecy

- Article 57a (1) Member States shall require that all persons working for...
- Article 57b (1) Notwithstanding Article 57a(1) and (3) and without prejudice to...

SECTION 4

Sanctions

- Article 58 (1) Member States shall ensure that obliged entities can be...
- Article 59 (1) Member States shall ensure that this Article applies at...
- Article 60 (1) Member States shall ensure that a decision imposing an...
- Article 61 (1) Member States shall ensure that competent authorities, as well...
- Article 62 (1) Member States shall ensure that their competent authorities inform...

CHAPTER VII

FINAL PROVISIONS

- Article 63 Point (d) of paragraph 2 of Article 25 of Regulation...
- Article 64 (1) The power to adopt delegated acts is conferred on...
- Article 64a (1) The Commission shall be assisted by the Committee on...
- Article 65 (1) By 11 January 2022 , and every three years...
- Article 66 Directives 2005/60/EC and 2006/70/EC are repealed with effect from 26...
- Article 67 (1) Member States shall bring into force the laws, regulations...
- Article 68 This Directive shall enter into force on the twentieth day...
- Article 69 This Directive is addressed to the Member States.

ANNEX I

The following is a non-exhaustive list of risk variables that... the purpose of an account or relationship; the level of...

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

ANNEX II

The following is a non-exhaustive list of factors and types...
Customer risk factors: public companies listed on a stock exchange...

ANNEX III

The following is a non-exhaustive list of factors and types...
Customer risk factors: the business relationship is conducted in unusual...

ANNEX IV

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (1) [OJ C 166, 12.6.2013, p. 2.](#)
- (2) [OJ C 271, 19.9.2013, p. 31.](#)
- (3) Position of the European Parliament of 11 March 2014 (not yet published in the Official Journal) and position of the Council at first reading of 20 April 2015 (not yet published in the Official Journal). Position of the European Parliament of 20 May 2015 (not yet published in the Official Journal).
- (4) Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering ([OJ L 166, 28.6.1991, p. 77](#)).
- (5) Directive 2001/97/EC of the European Parliament and of the Council of 4 December 2001 amending Council Directive 91/308/EEC on prevention of the use of the financial system for the purpose of money laundering ([OJ L 344, 28.12.2001, p. 76](#)).
- (6) Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing ([OJ L 309, 25.11.2005, p. 15](#)).
- (7) Commission Directive 2006/70/EC of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of politically exposed person and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis ([OJ L 214, 4.8.2006, p. 29](#)).
- (8) Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC ([OJ L 267, 10.10.2009, p. 7](#)).
- (9) Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC ([OJ L 331, 15.12.2010, p. 12](#)).
- (10) Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC ([OJ L 331, 15.12.2010, p. 48](#)).
- (11) Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC ([OJ L 331, 15.12.2010, p. 84](#)).
- (12) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ([OJ L 281, 23.11.1995, p. 31](#)).
- (13) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ([OJ L 8, 12.1.2001, p. 1](#)).
- (14) Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ([OJ L 350, 30.12.2008, p. 60](#)).
- (15) Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC ([OJ L 64, 11.3.2011, p. 1](#)).
- (16) Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States ([OJ L 93, 7.4.2009, p. 23](#)).
- (17) Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA ([OJ L 93, 7.4.2009, p. 33](#)).
- (18) [OJ C 369, 17.12.2011, p. 14.](#)
- (19) [OJ C 32, 4.2.2014, p. 9.](#)