

Regulatory News Alert

Access of centralized bank account registries

8 May 2018

Background

On 17 April 2018, the European Commission adopted a proposal to repeal the European Council Decision 2000/642/JHA, laying down rules facilitating the use of financial and other information for the prevention, detection, investigation, or prosecution of certain criminal offences.

In the light of the current lack of efficiency in the transmission of financial investigation through the European Union, the Commission aims to provide Financial Intelligence Units (FIUs) with adequate resources to accomplish their tasks. Indeed, the 2017 Europol report "From suspicion to action: converting financial intelligence into greater operational impact" highlights that only 2.2 percent of estimated proceeds of crimes were provisionally seized or frozen, notably due to difficult or limited access to data given to FIUs, and, furthermore, just 1.1 percent are finally confiscated.

The current practice of "blanket requests," qualified as "highly unsatisfactory from an 'efficiency' point of view," will consequently be replaced by the access provision for competent authorities to national centralized bank account registries or retrieval systems. Moreover, the proposal aims to enhance the cooperation between FIUs and competent authorities of the different member states.

This proposal has been transmitted for review to The European Parliament and European Council on 17 April 2018. The publication is planned for 2018.

Content of the Commission proposal

The Commission proposes, among other things:

- To ensure at the state level that competent authorities have the power to directly and immediately access and search bank account information when necessary for the performance of their tasks
- To set rules to limit the access to financial information only to persons within each competent authorities that have been specifically designated and authorized to perform these tasks, and for the sole purpose of criminal investigation on all forms of serious crimes
- To impose national competent authorities and FIUs to reply to each other's financial information or analysis requests
- To ensure national FIUs are enabled to exchange financial information or financial analysis with any FIU in the European Union and with Europol
- To record all information linked to requests and research performed so as to ensure the monitoring of the access and search by national Data Protection Authorities



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Your contacts

Eric Collard

Partner – Forensic & AML, Restructuring

Tel : +352 45145 4985

ecollard@deloitte.lu

Benoit Sauvage

Senior Manager – Strategy Regulatory &
Corporate Finance

Tel : +352 45145 3808

bsauvage@deloitte.lu

Deloitte Luxembourg

560, rue de Neudorf

L-2220 Luxembourg

Tel: +352 451 451

Fax: +352 451 452 401

www.deloitte.lu

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