

The following text has been elaborated by the CAA for information purposes. The French version of this Circular letter is the only authentic version.



Luxembourg, 11 June 2019

Information note

Subject: Delegated Regulation (EU) 2019/758 of 31 January 2019 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council with regard to regulatory technical standards for the minimum action and the type of additional measures credit and financial institutions must take to mitigate money laundering and terrorist financing risk in certain third countries (the 'Regulation').

The Commissariat aux Assurances wishes to draw the attention of financial institutions supervised by the CAA which have established branches or majority-owned subsidiaries in third countries or which plan to establish branches or subsidiaries in third countries to the content of the Regulation referred to above.

The purpose of the Regulations is to handle with the following situations:

- the impossibility for a group operating branches or majority-owned subsidiaries in a third country to implement group-wide anti-money laundering and anti-terrorist financing policies and procedures because the law of the third country does not permit it;
- makes it difficult for the competent authorities to monitor effectively the group's compliance with the requirements of Directive (EU) 2015/849 because they do not have access to the relevant information held at the level of these branches and subsidiaries.

The Regulation defines a set of additional measures, including actions that financial institutions must take as a minimum to deal effectively with the risk of money laundering and terrorist financing where the law of the third country does not permit the implementation of the group-wide policies and procedures referred to in Article 4-1 (1) and (3) of the amended law of 12 November 2004 on the fight against money laundering and terrorist financing at the level of branches or majority-owned subsidiaries that are part of the group and are established in the third country.

The Regulation will apply from 3 September 2019 and can be consulted in the various official languages of the European Union at the following address: <https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX:32019R0758et> on the website of the

Commissariat aux Assurances under the tab "Financial Crime/Fight against money laundering and terrorist financing/Supplementary documentation".

For the Executive Committee,

Claude WIRION
Director