

Public consultation on guidance on the rules applicable to the use of public-private partnerships in the framework of preventing and fighting money laundering and terrorist financing

Fields marked with * are mandatory.

Introduction

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The effective exchange of information is crucial in the [fight against money laundering and the financing of terrorism \(AML/CFT\)](#). This includes not only the exchange of information between public authorities (e.g. financial intelligence units (FIUs), law enforcement authorities and supervisory authorities), but also the exchange of information between authorities from the public sector and private sector entities.

The [Commission's action plan for a comprehensive Union policy on preventing money laundering and terrorist financing](#) notes that in the context of making better use of financial intelligence, the role of public-private partnerships should be encouraged to the extent possible as in some cases the nature of the information might limit its sharing and such sharing must comply with the data protection legal framework and with other rules. Public-private partnerships entail the sharing of information between competent authorities and the private sector and can take various forms. Some are limited to the exchange of information on, for example, typologies, trends and patterns by FIUs to obliged entities, whilst others pertain to the sharing of operational information and intelligence on suspects by law enforcement authorities to obliged entities for the purposes of monitoring the transactions of these suspects. The current EU AML/CFT framework (the [4th Anti-Money Laundering Directive](#)) already requires FIUs to provide feedback, where practicable, to obliged entities on the usefulness and follow-up of the suspicious transaction reports.

Due to differences in the legal frameworks and practical arrangements across the EU Member States, the Commission considers it essential to provide guidance and share good practices for public-private partnerships in relation, in particular, to antitrust rules, safeguards and limitations in relation to data protection and guarantees on fundamental rights. In the May 2020 action plan, the Commission also announced that it will consider the possibility of requesting the [European Data Protection Board \(EDPB\)](#) to issue an opinion as regards the data protection aspects of public-private partnerships.

In this context, and in line with the [better regulation principles](#), the Commission is herewith inviting stakeholders to express their views. The consultation aims to obtain information with regard to, for example

- the types of public-private partnerships currently operating in the EU Member States in the area of preventing and fighting money laundering and terrorist financing
- the public authorities (e.g. FIUs, law enforcement, supervisory authorities) and private sector entities which participate
- the types of information exchanged within those partnerships and the measures put in place to guarantee the preservation of fundamental rights
- the mechanisms put in place to measure the effectiveness and success of those partnerships (e.g. key performance indicators (KPIs) or any other performance metrics)
- the impacts and added value of the various public-private partnerships in the fight against money laundering and the financing of terrorism
- the impacts on fundamental rights, including the presumption of innocence, as well as on the due process of criminal proceedings
- good practices in the development and operation of public-private partnerships
- potential obstacles to the exchange of information and challenges faced by the authorities and entities participating in public-private partnerships in the area of preventing and fighting money laundering and terrorist financing and what do they pertain to

The outcome of this public consultation will provide the Commission with sufficient information and evidence for the purposes of preparing the guidance on the rules applicable to the use of public private partnerships in the framework of preventing and fighting money laundering and terrorist financing and issue best practices in Q4 2021.

Please note: In order to ensure a fair and transparent consultation process **only responses received through our online questionnaire will be taken into account** and included in the report summarising the responses. Should you have a problem completing this questionnaire or if you require particular assistance, please contact fisma-financial-crime@ec.europa.eu.

More information on

- [this consultation](#)
- [the consultation document](#)
- [the consultation strategy](#)
- [anti-money laundering and countering the financing of terrorism](#)
- [on the protection of personal data regime for this consultation](#)

About you

* Language of my contribution

- Bulgarian

- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union

Other

* First name

* Surname

* Email (this won't be published)

* Scope

- International
- Local
- National
- Regional

* Level of governance

- Local Authority
- Local Agency

* Level of governance

- Parliament
- Authority
- Agency

* Organisation name

255 character(s) maximum

* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

* Country of origin

Please add your country of origin, or that of your organisation.

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- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan

- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria

- Burkina Faso
- Burundi

- Cambodia

- Cameroon
- Canada
- Cape Verde
- Cayman Islands

- Central African Republic
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland

- Grenada
- Guadeloupe

- Guam

- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau

- Guyana

- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong

- Hungary

- Iceland
- India
- Indonesia
- Iran

- Iraq
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma

- Namibia
- Nauru

- Nepal

- Netherlands
- New Caledonia
- New Zealand
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- Niger
- Nigeria
- Niue

- Norfolk Island
- Northern Mariana Islands
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- North Macedonia
- Norway
- Oman
- Pakistan

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- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland

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- Taiwan
- Tajikistan
- Tanzania
- Thailand

- The Gambia

- Timor-Leste
- Togo

- Tokelau
- Tonga

- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu

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* Field of activity or sector (if applicable)

- Accounting
- Art dealing
- Auditing
- Banking
- Company and trust creation and management
- Consulting

- Gambling
- Insurance
- Investment management (e.g. assets, securities)
- Other company and trust services
- Other financial services
- Notary services
- Legal services
- Pension provision
- Real estate
- Tax advice
- Think tank
- Trading in goods
- Virtual assets
- Other
- Not applicable

* Please specify your activity field(s) or sector(s)

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, ‘business association, ‘consumer association’, ‘EU citizen’) country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

The type of respondent that you responded to this consultation as, your country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself.

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Your name, the type of respondent that you responded to this consultation as, your country of origin and your contribution will be published.

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The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)

I. Context

Question 1. In which ways do you consider that the exchange of information between competent authorities and private sector entities can contribute to the prevention of and fight against money laundering and the financing of terrorism?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 2. Have any formal and/or informal mechanisms been put in place in your country (in the case of private sector entities, ‘country’ is to be understood as place of operation) in order to increase cooperation and exchange of information between competent authorities and private sector entities to prevent and fight money laundering and the financing of terrorism?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 2:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 3. In your view, what does a ‘public-private partnership’ mean in the context of preventing and fighting against money laundering and the financing of terrorism?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 4. Are you of the opinion that partnerships between public authorities and private sector entities are needed in order to prevent and fight money laundering and the financing of terrorism efficiently and effectively?

- Yes
- No
- Don't know / no opinion / not applicable

Question 4.1 If you answered ‘yes’ to question 4, please explain why and provide examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 5. In your view, in case a public-private partnership is set up to prevent and fight money laundering and terrorist financing, which of the following public authorities should take part?

Please select as many answers as you like

- Financial intelligence units (FIUs)
- Law enforcement authorities
- Prosecution authorities
- Anti-money laundering and countering terrorist financing supervisory authorities
- Customs authorities
- Tax and recovery administration authorities
- Asset recovery offices (AROs)
- Other

Please specify to what other authority/ies you refer in your answer to question 5:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 5.1 Please explain why you provided that/these answer(s) to question 5 and further elaborate:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 6. In your view, in case a public-private partnerships is set up to prevent and fight money laundering and the financing of terrorism, which of the following private sector operators should participate?

Please select as many answers as you like

- Financial institutions
- Credit institutions
- Auditors, external accountants and tax advisors
- Notaries and other independent legal professionals
- Trust or company service providers
- Virtual asset service providers (VASPs)
- Estate agents
- Traders in goods
- Providers of gambling services
- Other, e.g. telecom operators

Please specify to what other private sector operator(s) you refer in your answer to question 6:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 6.1 Please explain why you provided that/these answer(s) to question 6 and further elaborate:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 7. In your opinion, how do public-private partnerships interact with private-to-private information sharing within a group or between private sector entities in general?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 8. In your view, to what extent should non-governmental organisations (NGOs), research and academic institutions be involved in discussions about setting up and design of public-private partnerships to prevent and fight money laundering and the financing of terrorism?

- They should be extensively involved
- They should be involved to a limited extent
- They should not be involved at all
- Don't know / no opinion / not applicable

Please explain your answer to question 8:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

II. Existing national experience and practices

Question 9. Has a public-private partnership been established in your country in order to fight and prevent money laundering and/or the financing of terrorism?

- Yes
- No
- Don't know / no opinion / not applicable

Question 9.1 Please specify which competent authorities and which private sector entities participate in the public-private partnership:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 9.2 Please elaborate on the main objectives of the public-private partnership:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 9.3 Please specify what types of information are exchanged in the context of the partnership:

- a. Strategic information on, for example, typologies, trends, patterns and risk indicators by FIUs to obliged entities**

- b. Operational information and intelligence on suspects by law enforcement authorities to obliged entities**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 9.4 Please elaborate on the type of products that are developed within the framework of the public-private partnership:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 9.5 Please explain if any data security and member vetting practices and procedures have been implemented in the public-private partnership you take part in:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 9.6 Please explain if a governance structure has been put in place to administer the public-private partnership and oversee the implementation of the partnership's objectives and priorities as well as compliance with existing rules:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 9.7 Please explain if there are any major developments foreseen for the coming years. These could concern, for example, extending the partnership's mandate, growing membership, etc.:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 9.8 Please elaborate further on the results achieved by the public-private partnership:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 9.9 Are you aware of any good practices in the development of a public-private partnership in the framework of preventing and fighting money laundering and/or terrorist financing that could be applied as regards the design, governance and operation of public-private partnerships in the area of AML/CFT in other countries?

- Yes
- No
- Don't know / no opinion / not applicable

Please elaborate on the good practices which you believe could be applied in other countries when developing public-private partnerships in the area of AML/CFT:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 9.10 Please explain if you have witnessed any negative consequences as a result of the public-private partnership pertaining, for example, to 'de-risking', termination of business relationship, social and/or economic exclusion, discrimination:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 9.1 Are you aware whether any reflections and discussions on establishing a public-private partnership in the context of preventing and

fighting money laundering and/or the financing of terrorism are currently taking place or have taken place in the past in your country?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 9.1:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 10. Are you aware of any legal barriers that exist in your country when it comes to setting up a public-private partnership in the framework of preventing and fighting money laundering and the financing of terrorism?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 10:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

III. Public-private partnerships for the exchange of strategic information (e.g. typologies, trends, patterns, risk indicators, feedback to suspicious transaction reports)

Question 11. In your opinion, what should be the main objectives of a public private partnership for the exchange of strategic information in the context of preventing and fighting money laundering and the financing of terrorism?

Please select as many answers as you like

- Sharing of strategic information (typologies, trends) in order to enhance the understanding of money laundering and terrorist financing (ML/TF) risks
- Improve the quality of suspicious transaction and activity reporting by obliged entities
- Preparation of risk indicators and red flags in order to improve the detection by private sector entities of suspicious financial flows
- Work on risk mitigation measures related to specific money laundering and terrorist financing (ML/TF) risks
- Joint capacity building/training activities and provision of technical assistance
- Other

Please specify to what other main objective(s) you refer in your answer to question 11:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please elaborate on your answer to question 11:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 12. Based on your experience, what impact (if any) do public-private partnerships for the exchange of strategic information have in the prevention of and fight against money laundering and terrorist financing and how significant is it?

- Very positive effect
- Some positive effect
- Neutral
- Some negative effect

- Very negative effect
- Don't know / no opinion / not applicable

Please explain your answer to question 12 and give examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 13. Where do you see risks stemming from the exchange of information in a public-private partnership for the exchange of strategic information in the context of preventing and fighting money laundering and the financing of terrorism?

Please select as many answers as you like

- Profiling with regard to specific persons or groups of persons
- Official secrecy and the disclosure of sensitive non-public information
- Bank secrecy
- Legal privilege
- Social and economic inclusion (e.g. de-risking and reputational risks)
- Other

Please specify to what other risk(s) you refer in your answer to question 13:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please elaborate further on your answer to question 13:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 14. In your opinion, in relation to the application of which rules is the issuing of guidance with respect to public-private partnerships for the exchange of strategic information most needed?

Please select as many answers as you like

- Provision of feedback on suspicious transaction reports by the FIU to the obliged entity
- Fundamental rights (e.g. data protection, privacy)
- Antitrust rules (e.g. to avoid asymmetries of information)
- Other

Please specify to what other rule(s) you refer in your answer to question 14:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please elaborate further on your answer to question 14:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 14.1 If you answered “provision of feedback on suspicious transaction reports by the FIU to the obliged entity”, please elaborate further on the feedback that would be most beneficial:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

IV. Public-private partnerships for the exchange of operational information and intelligence on suspects in a criminal investigation and/or persons of interest prior to the opening of a formal criminal investigation

Question 15. In your opinion, what should be the main objectives of a public-private partnership for the exchange of operational information in the context of fighting money laundering and the financing of terrorism?

Please select as many answers as you like

- Obtaining leads in the context of criminal investigations, based on the sharing of operational information by competent authorities
- Obtaining evidence as regards suspects in criminal investigations based on operational information shared by competent authorities
- Monitoring the transactions of suspects in criminal investigations
- Identifying persons of interest prior to the initiation of a formal criminal investigation by the competent authorities
- Monitoring the transactions of persons of interest prior to the initiation of a formal criminal investigation
- Mapping criminal networks, based on the sharing of operational information by competent authorities
- Other

Please specify to what other main objective(s) you refer in your answer to question 15:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please elaborate on your answer to question 15:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 16. Based on your experience, what impact (if any) do public-private partnerships for the exchange of operational information have in the fight against money laundering and how significant is it?

- Very positive effect
- Some positive effect
- Neutral
- Some negative effect
- Very negative effect
- Don't know / no opinion / not applicable

Please explain your answer to question 16 and give examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 17. Based on your experience, what impact (if any) do public-private partnerships for the exchange of operational information have in the fight against the financing of terrorism and how significant is it?

- Very positive effect
- Some positive effect
- Neutral

- Some negative effect
- Very negative effect
- Don't know / no opinion / not applicable

Please explain your answer to question 17 and give examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 18. Where do you see risks from the exchange of information in a public-private partnership for the exchange of operational information in the context of fighting money laundering and the financing of terrorism?

Please select as many answers as you like

- Fundamental rights (rights to the protection of personal data and privacy, the presumption of innocence)
- The integrity of ongoing criminal proceedings
- Official secrecy and the disclosure of sensitive information related to ongoing criminal proceedings
- Bank secrecy
- Legal privilege
- Social and economic inclusion (e.g. de-risking and reputational risks)
- Other

Please specify to what other risk(s) you refer in your answer to question 18:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please elaborate further on your answer to question 18:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 19. In your opinion, in relation to the application of which rules is the issuing of guidance with respect to public-private partnerships for the exchange of operational information most needed?

Please select as many answers as you like

- Fundamental rights (e.g. data protection, privacy, presumption of innocence)
- The applicable criminal procedural rules
- Antitrust rules
- Other

Please specify to what other rule(s) you refer in your answer to question 19:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please elaborate further on your answer to question 19:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 20. Are you of the opinion that the risks from the exchange of information in a public-private partnership for the exchange of operational information are different in the context of fighting money laundering than in a public-private partnership in the context of fighting the financing of terrorism?

- Yes

- No
- Don't know / no opinion / not applicable

Please elaborate further on your answer to question 20:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

V. Transnational public-private partnerships

Question 21. In your opinion, what information can be shared in a transnational public private partnership in the framework of preventing and fighting money laundering and the financing of terrorism?

- Strategic information (typologies, trends, patterns, risk indicators)
- Operational information (intelligence on suspects or persons of interest)
- Both types of information
- Other

Please specify to what other information(s) you refer in your answer to question 21:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please elaborate further on your answer to question 21:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 22. In your opinion, what are the main potential benefits of establishing a transnational public-private partnership in the framework of preventing and fighting money laundering and the financing of terrorism?

Please select as many answers as you like

- Better understanding of the cross-border risks associated with money laundering and the financing of terrorism
- More effective detection of cross-border suspicious financial flows by private sector entities
- More effective cross-border financial investigations into money laundering and the financing of terrorism
- Other

Please specify to what other main potential benefit(s) you refer in your answer to question 22:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please elaborate further on your answer to question 22:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 23. Where do you see risks stemming from the exchange of information in a transnational public-private partnership in the context of preventing and fighting money laundering and the financing of terrorism?

Please select as many answers as you like

- Rights to the protection of personal data and privacy
- Fundamental rights, including the presumption of innocence
- The integrity of ongoing criminal proceedings

- Official secrecy and the disclosure of sensitive information related to ongoing criminal proceedings
- Bank secrecy
- Legal privilege
- Social and economic inclusion (e.g. de-risking and reputational risks)
- Other

Please specify to what other risk(s) you refer in your answer to question 23:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please elaborate further on your answer to question 23:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Additional information

Should you wish to provide additional information (e.g. a position paper, report) or raise specific points not covered by the questionnaire, you can upload your additional document(s) below. **Please make sure you do not include any personal data in the file you upload if you want to remain anonymous.**

The maximum file size is 1 MB.

You can upload several files.

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

