



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC

9TH TERM

199TH

RESOLUTION OF THE SENATE

Delivered on the 9th session held on 2nd May 2013

on the Proposal for a Regulation of the European Parliament and of the Council on information accompanying transfers of funds /Senate Press no. N 035/09/ and

on the Proposal for a Directive of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing /Senate Press no. N 036/09/

The Senate

I.

Has acquainted itself

with the proposed legal regulation on prevention of financial criminality and supports the adoption of international standards in this area into the European Union law with the aim to contribute to the creation of an effective global framework;

II.

1. Welcomes

broadening of the scope of legal provisions on prevention of money laundering and terrorist financing upon the whole gambling sector and the measures leading to an increased accessibility of the obliged entities to information on the beneficial owner of money;

2. Calls attention

to a possible incompatibility of the directive with the guarantees of fundamental rights concerning the provision on supervision that imposes a duty to adopt necessary measures preventing the perpetrators of criminal offences, including those not related to entrepreneurship or terrorism, from holding a significant or controlling interest or being a beneficial owner of an obliged entity, which may be regarded as a disproportionate restriction of the right to property, and concerning the administrative pecuniary sanction for obliged entities that are natural persons in the amount up to 5 000 000 EUR that is wholly incommensurate with the usual amount of sanctions that may be imposed in a proceeding not conducted by a court;

3. Disagrees

with the abolition of an exception from the duties connected with the prevention of money laundering and terrorist financing for the so-called micropayments and proposes to either maintain this exception or allow the member states to grant such an exception;

4. Does not support

the restriction of discretion of the member states to request archiving of payment data for a period longer than five years for purposes other than detection and investigation of money laundering and terrorist financing because it groundlessly interferes with the legal regulation of archiving data for the purpose of banking supervision;

5. Is of the opinion

that the legal regulation of prevention of money laundering and terrorist financing should be based on an analysis of case studies of such criminal activities and should utilise, to the utmost extent, the findings of institutions dealing with monitoring and coordination of investigation of such criminal activities, such as EUROPOL;

III.

1. Requests

the Government to inform the Senate about the way this position was taken into account and to provide the Senate with information on the further proceeding of negotiations;

2. Authorises

the President of the Senate to forward this Resolution to the European Commission.

Milan Štěch
sign manual
President of the Senate

Hassan Mezian
sign manual
Senate Verifier