

# Public consultation on broadening law enforcement access to centralised bank account registries

Fields marked with \* are mandatory.

## 1. Introduction

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### Context of the consultation:

With the use of modern technology, money can be transferred from one bank to another around the world in a matter of minutes. At the same time, it may take investigators weeks to follow bank transactions between countries and understand to whom money has been transferred.

Organised crime and terrorist groups operate internationally on a regular basis and are usually active in more than one Member State. Their investments and assets, including bank accounts, are usually in various Member States, and often outside of the European Union.

In order to combat organised crime effectively, there is a need to speed up financial investigations, so that the proceeds of crime (including money deposited in bank accounts) can be traced, frozen and confiscated even when transferred to bank accounts located in different countries.

Investigators need to find out whether a suspect in an investigation owns (or can make transactions from) bank accounts in your country, or to identify who owns (or can make transactions from) a specific bank account (or accounts) in your country.

If your country does not have a centralised bank account registry yet, or if certain investigating authorities in your country do not have access to the centralised registry, an investigator, instead of consulting the registry and contacting directly the bank(s) concerned has to send a request to all banks (a so-called "blanket request"). Then, the investigator needs to wait for all the banks to reply to his request in order to have a picture as complete as possible on the bank accounts owned or operated by the investigated person. Each bank must respond to the investigator's request, in most cases replying that the investigated person is not one of their clients. This procedure may take several weeks and this exchange of correspondence may be substantial if multiplied for the number of requests that all relevant authorities could make.

EU legislation will soon establish centralised bank account registries in all countries and grant access to the authorities responsible for preventing money laundering and terrorist financing. The European Commission considers granting access to these registries also to the police when investigating crimes and to other law enforcement authorities that identify and trace criminal assets or investigate corruption and financial crime cases at national level.

This initiative is in line with the EU Action Plan for strengthening the fight against terrorist financing (COM (2016) 50 final) which was presented by the Commission in February 2016. This new proposal would aim at facilitating financial investigations on serious crimes and disrupting the activities of organised crime and terrorist groups. It should help investigators in the European Union to be more efficient in identifying bank and payment account information by addressing directly the bank(s) that have the information they seek.

### Objectives of the consultation

The aim of the consultation is to collect opinions on possible new EU legislation broadening the access to centralised bank and payment account registries to a targeted number of public authorities in order to disrupt the activities of organised crime groups and terrorists.

This public consultation forms part of a broader consultation strategy aiming at giving stakeholders the opportunity to present their views before the Commission finalises its proposal.

For more information on this consultation and the possible legislative proposal please read the Inception Impact Assessment (<http://ec.europa.eu/info/law/better-regulation/initiatives/Ares-2017-3971182>)

### Target groups

All EU and non-EU citizens having (or being empowered to act on) a bank account, and other stakeholders are welcome to contribute to this consultation. Contributions are sought from individuals, public authorities, international and regional organisations, law enforcement agencies, the banking sector, consumer associations and civil society.

### Important notices

In order to ensure a fair and transparent consultation process, only responses received through our online questionnaire will be taken into account. Exceptions will be made only for duly justified cases (e.g. impaired persons). Contributions received are intended for publication "as submitted" and this respondent by respondent and question by question on the Commission's websites. When answering the questionnaire, you will be given the possibility to indicate whether you agree to the publication of your individual responses under your name or anonymously. You can upload a document (e.g. a position paper) at the end of the questionnaire.

## **2. About you** (fields marked with \* are mandatory)

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1 You are welcome to answer the questionnaire in any of the [24 official languages](#) of the EU.  
Please let us know in which language you are replying.

**\*2 You are replying**

- as an individual in your personal capacity
- in your professional capacity as an investigator or representative of an investigative body
- in your professional capacity as a representative of the banking or financial sector
- in your professional capacity on behalf of an organisation (e.g. public authority, international organisation, consumer association, civil society)
- Other

3 If "other", please specify:

**\*4 First name**

**\*5 Last name**

**\*6 Email address**

If you do not have an email address, please write "Not available".

**\*7 Country of residence**

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

**\*8 If "other", please specify:**

**\*9 Your contribution,**

Note that, whatever option chosen, your answers may be subject to a request for public access to documents under [Regulation \(EC\) N°1049/2001](#)

- can be published with your personal information** (I consent the publication of all information in my contribution in whole or in part including my name or my organisation's name, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)
- can be published provided that you remain anonymous** (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.

\*10 Respondent's first name

\*11 Respondent's last name

\*12 Respondent's professional email address

\*13 Name of the organisation

\*14 Postal address of the organisation

\*15 Type of organisation

Please select the answer option that fits best.

- Intergovernmental organisation
- EU institution, body or agency
- National parliament
- National government
- National public authority or agency
- Regional public authority
- Local public authority
- Public-private sub-national organisation
- Network of public sub-national authorities
- Chamber of commerce
- Business organisation
- Trade Union
- Think tank
- Research institution
- Academic institution
- Representative of professions or crafts
- Private enterprise
- Professional consultancy, law firm, self-employed consultant
- Trade, business or professional association
- Non-governmental organisation, platform or network
- Other

\* 16 If "other", please specify:

\* 17 Is your organisation included in the Transparency Register?

*If your organisation is not registered, we invite you to register here, although it is not compulsory to be registered to reply to this consultation. Why a transparency register?*

- Yes
- No
- Not applicable

\* 18 If so, please indicate your Register ID number

\* 19 Country of organisation's headquarters

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

\*20 If "other", please specify:

\*21 Your contribution,

Note that, whatever option chosen, your answers may be subject to a request for public access to documents under [Regulation \(EC\) N° 1049/2001](#)

- can be published with your organisation's information** (I consent the publication of all information in my contribution in whole or in part including the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)
- can be published provided that your organisation remains anonymous** (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.

### 3. Your views on broadening the access to centralised bank and payment account registries

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**If you are replying as an individual contributing in your personal capacity:**

The centralised registries of bank accounts contain (or will contain when established) minimum information on all the bank accounts in a country, such as the identification of the account holder, of any person empowered to act on his/her behalf (for example through a mandate), of the beneficial owner(s) of the account, the IBAN account number (some digits of which also identify the bank), the opening date and (where applicable) the closing date. **The registries do not (and will not) contain any information on the balance of the account, nor any details on the transactions.** The registries are managed by public authorities and the information is collected by all the banks and updated at regular intervals (with information on new accounts and changes in existing accounts) based on the information sent by the banking sector.

22 Do you agree that, in order to better protect citizens from crime, it is a good idea that access to centralised bank account registries is granted also to other investigative authorities (in addition to those responsible for preventing money laundering and terrorist financing) in particular:

|   | I strongly agree      | I agree               | I disagree            | I don't know          |
|---|-----------------------|-----------------------|-----------------------|-----------------------|
| To law enforcement authorities (for example the police) when investigating crimes   | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| To the authorities that identify and trace criminal assets (for example, the Asset Recovery Offices)  | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| To the national authorities that investigate corruption cases and to the EU authorities investigating such cases (such as OLAF, the European Anti-Fraud Office, and the future European Public Prosecutor's Office) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| To the tax authorities in the framework of their investigations of criminal or civil nature   | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

23 Please feel free to comment in more detail

*400 character(s) maximum*

24 What would be the benefits or drawbacks of granting access to centralised bank account registries also to the competent authorities involved in criminal or administrative investigations (for example the police when investigating crimes, the Asset Recovery Offices that identify and trace criminal assets, the authorities that investigate corruption cases) ?

|   | I strongly agree      | I agree               | I disagree            | I don't know          |
|---|-----------------------|-----------------------|-----------------------|-----------------------|
| It would speed up the investigations considerably   | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| It would make it less burdensome for banks to provide information to investigators  | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| It would help identify bank accounts that would otherwise remain undetected   | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| It would keep to a minimum the exchange of personal data between investigators and banks  | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| I am concerned that my personal data included in the registry may be used also for other purposes and/or my privacy may be violated | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

25 Please feel free to comment in more detail

*400 character(s) maximum*

26 If you are replying in your professional capacity as an investigator, which type of public agency do you work for ?

27 Does your country have an automated centralised bank account registry ?

- Yes
- No

28 In the affirmative, what kind of access does your Office have to the centralised registry ?

- Direct
- Indirect
- No access
- I don't know

29 If your Office has direct or indirect access to the centralised registry, could you specify under which conditions the access is granted ?

30 Does the possibility to access the registry facilitate the execution of your tasks ?

- Yes, substantially
- Yes, moderately
- No

**31 In the affirmative, what would you describe as the main benefit(s) of having access to the registry ?**

- The complete access to financial information
- The swift access to financial information
- The minimisation of the administrative burden in contacting the banks
- All of the above
- Other
- No opinion

32 If "other", please specify:

**33 How would you rate the administrative burden for your Office of having to send requests to all the banks in your country ?**

- Very high
- High
- Very low
- Other
- No opinion

34 If "other", please specify:

**35 What would you describe as the main problem in obtaining information without having access to a central registry?**

- The lack of swift access to information
- Receiving incomplete information
- The cost of having to send requests to all banks and processing their replies
- Other
- No opinion

36 If "other", please specify:

37 **Would the access to a central registry facilitate the execution of your tasks ?**

- Yes, substantially
- Yes, moderately
- No

38 **Do you agree that, in order to better protect citizens from crime, it is a good idea that access to centralised bank account registries is granted also to other investigative authorities (in addition to those responsible for preventing money laundering and terrorist financing) in particular:**

|   | I strongly agree      | I agree               | I disagree            | I strongly disagree   | I don't know          |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| To law enforcement authorities (for example the police) when investigating crimes   | <input type="radio"/> |
| To the authorities that identify and trace criminal assets (for example, the Asset Recovery Offices)  | <input type="radio"/> |
| To the national authorities that investigate corruption cases and to the EU authorities investigating such cases (such as OLAF, the European Anti-Fraud Office, and the future European Public Prosecutor's Office) | <input type="radio"/> |
| To the tax authorities in the framework of their investigations of criminal or civil nature   | <input type="radio"/> |

39 Please feel free to comment in more detail

*400 character(s) maximum*

40 **If you are replying in your professional capacity as a representative of the banking or financial sector, does your country have an automated centralised bank account registry ?**

- Yes
- No

41 In the affirmative, has the establishment of the registry facilitated your bank in handling the requests from the investigators?

- Yes, substantially
- Yes, moderately
- No

42 If your country does not have a centralised registry, how would you rate the administrative burden for your bank of replying to the requests of the investigators?

- Extremely high
- High
- Low
- Very low
- Other
- No opinion

43 If "other", please specify:

44 Do you agree that, in order to better protect citizens from crime, it is a good idea that access to centralised bank account registry is granted also to other investigative authorities (in addition to those responsible for preventing money laundering and terrorist financing) in particular:

|   | I strongly agree      | I agree               | I disagree            | I strongly disagree   | I don't know          |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| To law enforcement authorities (for example the police) when investigating crimes   | <input type="radio"/> |
| To the authorities that identify and trace criminal assets (for example, the Asset Recovery Offices)  | <input type="radio"/> |
| To the national authorities that investigate corruption cases and to the EU authorities investigating such cases (such as OLAF, the European Anti-Fraud Office, and the future European Public Prosecutor's Office) | <input type="radio"/> |
| To the tax authorities in the framework of their investigations of criminal or civil nature   | <input type="radio"/> |

45 Please feel free to comment in more detail

400 character(s) maximum

**If you are replying in your professional capacity on behalf of an organisation (e.g. public authority, international organisation, consumer association, civil society):**

The centralised registries of bank accounts contain (or will contain when established) minimum information on all the bank accounts in a country, such as the identification of the account holder, of any person empowered to act on his/her behalf (for example through a mandate), of the beneficial owner(s) of the account, the IBAN account number (some digits of which also identify the bank), the opening date and (where applicable) the closing date. **The registries do not (and will not) contain any information on the balance of the account, nor any details on the transactions.** The registries are managed by public authorities and the information is collected by all the banks and updated at regular intervals (with information on new accounts and changes in existing accounts) based on the information sent by the banking sector.

**46 Do you agree that, in order to better protect citizens from crime, it is a good idea that access to centralised bank account registries is granted also to other investigative authorities (in addition to those responsible for preventing money laundering and terrorist financing) in particular:**

|   | I strongly agree      | I agree               | I disagree            | I strongly disagree   | I don't know          |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| To law enforcement authorities (for example the police) when investigating crimes   | <input type="radio"/> |
| To the authorities that identify and trace criminal assets (for example, the Asset Recovery Offices)  | <input type="radio"/> |
| To the national authorities that investigate corruption cases and to the EU authorities investigating such cases (such as OLAF, the European Anti-Fraud Office, and the future European Public Prosecutor's Office) | <input type="radio"/> |
| To the tax authorities in the framework of their investigations of criminal or civil nature   | <input type="radio"/> |

47 Please feel free to comment in more detail

400 character(s) maximum

**48 What would be the benefits or drawbacks of granting access to centralised bank account registries also to the competent authorities involved in criminal or administrative investigations (for example the police when investigating crimes, the Asset Recovery Offices that identify and trace criminal assets, the authorities that investigate corruption cases) ?**

|  | I strongly agree      | I agree               | I disagree            | I strongly disagree   | I don't know          |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| It would speed up the investigations considerably  | <input type="radio"/> |
| It would make less burdensome for banks to provide information to investigators  | <input type="radio"/> |
| It would help identify bank accounts that would otherwise remain undetected  | <input type="radio"/> |
| It would keep to a minimum the exchange of personal data between investigators and banks                                       | <input type="radio"/> |
| There is a risk that personal data included in the registry may be used also for other purposes and/or privacy may be violated | <input type="radio"/> |

49 Please feel free to comment in more detail

400 character(s) maximum

**Document upload and final comments on broadening the access to centralised bank and payment account registries**

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50 Please feel free to upload a concise document, such as a position paper. The maximal file size is 1MB.

*Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this open public consultation. The document is an optional complement and serves as additional background reading to better understand your position.*

51 If you wish to add further information - within the scope of this questionnaire - please feel free to do so here.

*1000 character(s) maximum*

