

Luxembourg, 14 November 2023

Circular letter 23/13 of the Commissariat aux Assurances on the Guidelines on the revised Guidelines on money laundering and terrorist financing risk factors – complement of Circular letter 21/16

Ladies and Gentlemen,

This Circular letter is addressed to all undertakings and persons under the supervision of the CAA (the "professionals"), who are subject to the obligations as regards the fight against money laundering and terrorist financing ("AML/CFT").

The purpose of this circular letter is to draw the attention of the professionals to the publication by the European Banking Authority (EBA) of the Guidelines EBA/GL/2023/03 (hereinafter, the "Amending Guidelines"), amending the Guidelines on money laundering and terrorist financing risk factors (ref. EBA/GL/2021/02).

The Amending Guidelines follow up on the publication in January 2022 of an opinion¹ by EBA on de-risking within the EU, which analysed, amongst others, the impact of credit and financial institutions' decisions to refuse to enter into or to terminate business relationships with individual customers or categories of customers associated with higher money laundering and terrorist financing (ML/TF) risk, among which **not-for-profit organisations (NPOs)**, and the European Commission's request to EBA to issue guidelines on the steps institutions should take to facilitate access by NPOs to financial services.

The Amending Guidelines EBA/GL/2023/03 aim to assist professionals in their understanding of the specificities of prospective or existing customers that are NPOs. Thus, the annex provided in the Amending Guidelines clarifies, among others, the steps that the professionals should undertake and the factors the professionals should consider when assessing the ML/TF risk associated with a business relationship with customers that are NPO.

The Commissariat aux Assurances notified EBA (European Banking Authority) of its compliance with the Guidelines. In this regard it should be noted that since 1 January 2020, the EBA has been solely responsible for leading, coordinating and monitoring AML/CFT efforts across the entire EU financial system, following changes to Regulation (EU) No 1093/2010 by Regulation (EU) 2019/2175.

We invite you to consult the Amending Guidelines EBA/GL/2023/03 at the following Internet address:

https://www.eba.europa.eu/sites/default/documents/files/document_library/Publications/Guidelines/2023/1054143/Amending%20GLs%20to%20the%20RFGLs%20in%20relation%20to%20NPOs.pdf

¹ EBA Opinion on de-risking (uniquement en anglais)

https://www.eba.europa.eu/sites/default/documents/files/document_library/Publications/Opinions/2022/Opinion%20on%20de-risking%20%28EBA-Op-2022-01%29/1025705/EBA%20Opinion%20and%20annexed%20report%20on%20de-risking.pdf

The consolidated version of the Guidelines EBA/GL/2021/02 is available on the EBA's website:
https://www.eba.europa.eu/sites/default/documents/files/document_library/Publications/Guidelines/2023/EBA-GL-2023-03/1061654/Guidelines%20ML%20TF%20Risk%20Factors_consolidated.pdf.pdf?retry=1

Please note that the English version of the publication of the Amending Guidelines contains a 'Final Report' which has not been included in its translations.

This Circular letter complements Circular letter 21/16 of the Commissariat aux Assurances.

The Executive Committee