



## EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL MARKETS UNION

Banking, Insurance and Financial Crime  
**Financial crime**

Brussels  
FISMA.D.2./GH

**Subject: Regulation (EU) 2023/1113 – national transposition and implementation measures**

Dear Sir, / Dear Madam,

**Regulation (EU) 2023/1113 on information accompanying transfers of funds and certain crypto-assets and amending Directive (EU) 2015/849 entered into force on 29 June 2023 and will start to apply as of 30 December 2024.** This regulation lays down rules on the information on payers and payees accompanying transfers of funds, in any currency, and on the information on originators and beneficiaries accompanying transfers of crypto-assets, for the purposes of preventing, detecting and investigating money laundering and terrorist financing, where at least one of the payment service providers or crypto-asset service providers involved in the transfer of funds or transfer of crypto-assets is established or has its registered office, as applicable, in the Union. In addition, this Regulation lays down rules on internal policies, procedures and controls to ensure implementation of restrictive measures where at least one of the payment service providers or crypto-asset service providers involved in the transfer of funds or transfer of crypto-assets is established or has its registered office, as applicable, in the Union. In order for Regulation (EU) 2023/1113 to be fully applicable, some of its provisions require that Member States adapt their national legal frameworks to allow for its implementation.

### **1. Amendments to Directive (EU) 2015/849: Notification of transposition measures to the Commission via THEMIS**

We would like to kindly remind you that Article 38 of Regulation 2023/1113 introduces several amendments to Directive (EU) 2015/849, including an amendment of Article 67 of Directive 2015/849 on notification of the new transposition measures.

Therefore, under the new Article 67 of Directive 2015/849 as amended, Member States are expected to adopt and notify to the Commission the following transposition measures:

- Member States are to communicate to the Commission all adopted and published laws, regulations and administrative provisions necessary to comply with Article 2(1), point 3, Article 3, point (2)(g), Article 3, points (8), (18), (19) and (20), Article 19a(1), Article 19b(1) and (2), Article 45(9) and Article 47(1) of Directive 2015/849, as amended by Regulation 2023/1113.

Please notify these national transposition measures amending Directive 2015/849 (AMLD) by uploading them in **THEMIS Directives** under **Regulation 2023/1113 by 30 December**

**2024** and encode the status of transposition ('partial' or 'complete'), as per the usual practice when transposing directives.

## **2. Implementation/Application of Regulation (EU) 2023/1113: Notification of implementation measures to Commission's services**

In order for the **Regulation (EU) 2023/1113** to be fully applicable, some of its provisions require that Member States adapt national legal frameworks to allow for the implementation. In particular:

- **Article 28 of Regulation (EU) 2023/1113** requires Member States to notify, in detail, the rules on administrative sanctions and measures applicable to breaches of the provisions of this Regulation.
- **Article 29 of Regulation (EU) 2023/1113** requires Member States to ensure that their administrative sanctions and measures include at least those laid down in Article 59(2) and (3) of Directive (EU) 2015/849 in the event of the following breaches of this Regulation:
  - (a) repeated or systematic failure [...] by a crypto-asset service provider to accompany the transfer of crypto-assets with the required information on the originator and beneficiary, in breach of Article 14 or 15;
  - (b) repeated, systematic or serious failure by a payment service provider or crypto-asset service provider to retain records, in breach of Article 26;
  - (c) failure [...] by a crypto-asset service provider to implement effective risk-based procedures, in breach of Article 17;
  - (d) serious failure [...] by an intermediary crypto-asset service provider to comply with Article 19, 20 or 21.
- **Article 30** requires Member States competent authorities to publish administrative sanctions and measures in the cases referred to in Articles 28 and 29
- **Article 32** requires Member States to establish effective mechanisms to encourage the reporting to competent authorities of breaches of this Regulation
- **Article 33 (1)** requires Member States to require competent authorities to monitor effectively and to take the measures necessary to ensure compliance with this Regulation and encourage, through effective mechanisms, the reporting of breaches of the provisions of this Regulation to competent authorities.

These provisions were already contained in Regulation (EU) 2015/847 but may require additional measures from Member States to ensure they also apply administrative sanctions and measures, in particular for the breaches of the new provisions of the text on crypto-assets services providers referred to in Article 29.

We would be grateful if your authorities could communicate the national measures, clearly identifying which Article of the Regulation they are implementing, **by 30 December 2024** **by email** to the following address:

[FISMA-REGULATIONS-NOTIFICATION@ec.europa.eu](mailto:FISMA-REGULATIONS-NOTIFICATION@ec.europa.eu)

As guardian of the Treaties, the Commission has the duty to monitor Member States' action in implementing EU law, under the control of the Court of Justice of the European Union. In exercising this role, the Commission enjoys discretionary power in deciding whether or not,

and when, to start infringement proceedings or to refer a case to the Court of Justice. As a matter of priority, the Commission investigates cases where Member States have failed to communicate implementation measures.

We thank you in advance for your prompt reaction and remain at your disposal, should you need assistance on this matter.

Yours faithfully,

Electronically signed

Raluca PRUNĂ  
Head of Unit