



European Banking Industry Committee

European Banking Federation (EBF) • European Savings Banks Group (ESBG) • European Association of Cooperative Banks (EACB) European Mortgage Federation (EMF) • European Federation of Building Societies (EFBS)

European Federation of Finance House Associations (Eurofinas)/European Federation of Leasing Company Associations (Leaseurope)

European Association of Public Banks (EAPB)

Mrs. Claire Bury

Head of Unit

DG Internal Market and Services

Unit F2 - Company law, corporate governance, financial crime

European Commission

Rue de Spa 2

B-1049 BRUXELLES

cc: Philippe Pellé (Deputy Head of Unit)

Mr. Christian Berger

Head of Unit

DG External Relations

Unit A/2 – Crisis response and Peace Building

European Commission

Rue de la Loi 200

B-1049 BRUXELLES

Brussels, 19 December 2008

Dear Mrs. Bury, Dear Mr. Berger,

We would like to thank you for organising the 5th Informal Anti-Money Laundering meeting and providing us with the valuable opportunity to interact with representatives of various Directorate Generals. We think it is extremely important to discuss and exchange views on a wide range of Anti-Money Laundering and related issues with all involved parties on a regular basis.

In this context we would like to bring your attention to the latest amendment (1110/2008) of the Iran Regulation (423/2007) adopted on 10 November 2008 which transposes the “vigilance” obligation pursuant to Article 10 of UN Security Council Resolution (S/RES 1803(2008) of 3 March 2008) into EU law. The vigilance obligation has further increased the complexity of the Iran Regulation and has given rise to several implementation concerns. This is due to the various linkages with other regulatory regimes, such as Directive 2005/60/EC (the Third AML Directive) and Regulation 1781/2006 (the Wire Transfer Regulation), which were recently introduced through the new Article 11.a of the Iran Regulation.

To be more specific, the vigilance obligation in Article 11a no.1 lit.(a) refers to the Risk-Based Approach as well as the provisions governing Customer Due Diligence procedures,



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record keeping and suspicious transaction reporting obligations of financial institutions pursuant to the Third AML Directive. In addition, Article 11a no.1 lit.(b) imposes obligations on financial institutions as payments providers which seem to go beyond the scope of Article 8 of the Wire Transfer Regulation relative to the completeness of information on the originator.

Against this background, we would appreciate if we could have the opportunity for a dialogue with your respective services to discuss the aforementioned issues. Additionally our member institutions have on various occasions expressed their interest in having a consolidated official text of the Iran Regulation which would provide more clarity and legal certainty when applying the provisions.

The issue of linkages will also be a main focus of our discussions within the EBIC Anti-Money Laundering Working Group. In order to better coordinate and allow our experts to plan their participations well ahead we would like to suggest having a meeting with your services at your earliest convenience. We thank you for your cooperation and remain at your disposal for any further questions.

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'G. Zadra', written in a cursive style.

Giuseppe Zadra
EBIC Chairman

A handwritten signature in black ink, appearing to be 'U. Witte', written in a cursive style.

Udo Witte
Chairman of the
EBIC Working Group on
Anti-Money Laundering