



STATUTORY INSTRUMENTS.

S.I. No. 46 of 2022

EUROPEAN UNION (ANTI-MONEY LAUNDERING: CENTRAL
MECHANISM FOR INFORMATION ON SAFE-DEPOSIT BOXES AND
BANK AND PAYMENT ACCOUNTS) REGULATIONS 2022

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I, PASCHAL DONOHOE, Minister for Finance, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive (EU) 2015/849 of the European Parliament and Council of 20 May 2015¹, as amended by Directive (EU) 2018/843 of the European Parliament and Council of 30 May 2018², hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Anti-Money Laundering: Central Mechanism for Information on Safe-Deposit Boxes and Bank and Payment Accounts) Regulations 2022.

Interpretation

2. (1) In these Regulations—

“Act of 2010” means the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (No. 6 of 2010);

“Bank” means the Central Bank of Ireland;

“Central Database” shall be construed in accordance with Regulation 3(1);

“Central Mechanism” shall be construed in accordance with Regulation 3(2);

“competent authority” has the same meaning as it has in Part 4 of the Act of 2010;

“controller” has the same meaning as it has in the General Data Protection Regulation;

“credit institution” means a credit institution, within the meaning of the Directive, established in the State;

“Directive” means Directive (EU) 2015/849 of the European Parliament and Council of 20 May 2015³, as amended by Directive (EU) 2018/843 of the European Parliament and Council of 30 May 2018⁴;

“FIU Ireland” has the same meaning as it has in Part 4 of the Act of 2010;

“General Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of

¹ OJ No. L. 141, 05.06.2015, p. 73.

² OJ No. L. 156, 19.06.2018, p. 43.

³ OJ No. L. 141, 05.06.2015, p. 73.

⁴ OJ No. L. 156, 19.06.2018, p. 43.

natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC⁵;

“Minister” means the Minister for Finance.

(2) A reference in these Regulations to an account is a reference to an account identified by IBAN, as defined in Regulation (EU) No. 260/2012 of the European Parliament and of the Council of 14 March 2012⁶.

(3) A word or expression which is used in these Regulations and is also used in the Directive has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive.

Establishment and maintenance of Central Mechanism

3. (1) The Bank shall establish and maintain a database (in these Regulations referred to as the “Central Database”) in which is entered the information provided to the Bank under Regulation 4.

(2) The Bank shall establish and maintain an information system (to be known as the “Central Mechanism of Ownership of Bank and Payment Accounts and Safe-Deposit Boxes” and in these Regulations referred to as the “Central Mechanism”) for the following purposes:

- (a) enabling a credit institution to provide information to the Bank under Regulation 4;
- (b) enabling the Bank to maintain the Central Database;
- (c) enabling FIU Ireland to carry out searches on and retrieve information from the Central Database.

(3) The Bank shall have access to information held in the Central Database only for the purposes of—

- (a) carrying out its functions under these Regulations, and
- (b) complying with its obligations under the General Data Protection Regulation.

(4) The Bank shall retain information provided to it under Regulation 4 in relation to an account or safe-deposit box for not less than 5 years after—

- (a) in the case of an account, the date on which the account is closed, and
- (b) in the case of a safe-deposit box, the date on which the lease concerned expires.

(5) The Bank shall be the controller in respect of personal data stored on the Central Database.

⁵ OJ No. L. 119, 04.5.2016, p. 1.

⁶ OJ No. L. 94, 30.3.2012, p. 22.

Uploading of information to Central Mechanism

4. (1) The Bank may request a credit institution to provide to the Bank, through the Central Mechanism, information—

- (a) held by the credit institution, and
- (b) referred to in Regulation 5,

in relation to an account or safe-deposit box.

(2) The Bank may specify, in a request referred to in paragraph (1)—

- (a) the information to be provided, and
- (b) the manner in which the information concerned is to be provided (including, but not limited to, the frequency at which and the format in which the information concerned is to be provided).

(3) Where a credit institution receives a request under paragraph (1), the credit institution shall provide the information concerned to the Bank through the Central Mechanism in accordance with the request.

Information to be provided by credit institutions

5. The following information may be requested by the Bank under Regulation 4(1):

- (a) in respect of the customer-account holder and any person purporting to act on behalf of the customer-account holder—
 - (i) where the customer-account holder or person acting on behalf of the customer-account holder is a natural person—
 - (I) forename and surname,
 - (II) date of birth, and
 - (III) address (including Eircode, if known),and
 - (ii) where the customer-account holder or person acting on behalf of the customer-account holder is not a natural person—
 - (I) name, and
 - (II) registered address (including Eircode, if known);
- (b) in respect of the beneficial owner of the customer-account holder—
 - (i) where the beneficial owner of the customer-account holder is a natural person—
 - (I) forename and surname,
 - (II) date of birth, and
 - (III) address (including Eircode, if known),

- and
- (ii) where the beneficial owner of the customer-account holder is not a natural person—
 - (I) name, and
 - (II) registered address (including Eircode, if known);
 - (c) in respect of a bank or payment account—
 - (i) IBAN,
 - (ii) account name,
 - (iii) date of account opening, and
 - (iv) where applicable, date of account closing;
 - (d) in respect of a safe-deposit box—
 - (i) where the lessee is a natural person—
 - (I) forename and surname of the lessee,
 - (II) date of birth of the lessee,
 - (III) address (including Eircode, if known) of the lessee, and
 - (IV) lease period,
 and
 - (ii) where the lessee is not a natural person—
 - (I) name of the lessee,
 - (II) registered address (including Eircode, if known) of the lessee, and
 - (III) lease period.

Access to information on Central Database

6. A member of FIU Ireland may, through the Central Mechanism, search for and retrieve information held on the Central Database.

Amendment of Central Bank Act 1942

7. The Central Bank Act 1942 (No. 22 of 1942) is amended—

- (a) in section 33AN(1), in the definition of “designated statutory instrument”, by the insertion of “or the European Union (Anti-Money Laundering: Central Mechanism for Information on Safe-Deposit Boxes and Bank and Payment Accounts) Regulations 2022 (S.I. No. 46 of 2022)” after “but (in relation to the European Union (General Framework for Securitisation and Specific Framework for Simple Transparent and Standardised

Securitisation) Regulations 2018) wherever and only in so far as they impose a requirement on a person who is not a regulated financial service provider,” and

- (b) in Part 2 of Schedule 2, by the insertion of the following item:

“

81	S.I. No. 46 of 2022	European Union (Anti-Money Laundering: Central Mechanism for Information on Safe-Deposit Boxes and Bank and Payment Accounts) Regulations 2022	The whole instrument
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Amendment of Act of 2010

8. The Act of 2010 is amended, in section 40E—

- (a) in subsection (1), by the substitution of “the Fourth Money Laundering Directive (as amended by the Fifth Money Laundering Directive)” for “the Fourth Money Laundering Directive”, and
- (b) by the insertion of the following subsection after subsection (2):

“(3) FIU Ireland may provide any information obtained by it from the Central Mechanism (within the meaning of the European Union (Anti-Money Laundering: Central Mechanism for Information on Safe-Deposit Boxes and Bank and Payment Accounts) Regulations 2022 (S.I. No. 46 of 2022)) to another FIU.”.



GIVEN under my Official Seal,
3 February, 2022.

PASCHAL DONOHOE,
Minister for Finance.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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FOILSEACHÁIN RIALTAIS,
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