Commission Implementing Decision (EU) 2019/1738 of 16 October 2019 authorising the Kingdom of Denmark to conclude agreements with Greenland and the Faroe Islands respectively for transfers of funds (notified under document C(2019) 7302) (Only the Danish text is authentic)

COMMISSION IMPLEMENTING DECISION (EU) 2019/1738

of 16 October 2019

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(notified under document C(2019) 7302)

(Only the Danish text is authentic)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2015/847 of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds and repealing Regulation (EC) No 1781/2006[(1)], in particular Article 24 thereof,

Having regard to the Kingdom of Denmark's request pursuant to Article 24 of Regulation (EU) 2015/847,

Whereas:

(1) Under Commission Decision 2012/43/EU[(2)], Denmark was granted a derogation in respect of transfers of funds between Greenland and the Faroe Islands respectively and Denmark.

(2) On 1 May 2019, Denmark requested the renewal of the derogation in accordance with Article 24 of Regulation (EU) 2015/847 for transfers of funds between Greenland and the Faroe Islands respectively and Denmark.

(3) Member States were informed by written procedure of the Committee on the Prevention of Money Laundering and Terrorist Financing on 19 July 2019 that the Commission considered that it had received the information necessary for appraising Denmark's request.

(4) Neither Greenland nor the Faroe Islands form part of the territory of the Union as determined in accordance with Article 52 of the Treaty on European Union and Article 355 of the Treaty on the Functioning of the European Union. Those territories form part of the currency area of Denmark. Greenland and the Faroe Islands therefore comply with the criterion set out in point (a) of the second subparagraph of Article 24(1) of Regulation (EU) 2015/847.

(5) Payment services providers in Greenland and the Faroe Islands participate directly in payment and settlement systems in Denmark, in particular Kronos and Sumclearing.

They therefore comply with the criterion set out in point (b) of the second subparagraph of Article 24(1) of Regulation (EU) 2015/847.

(6) For the Union regulations to be applicable to Greenland and the Faroe Islands, Denmark should adopt specific legislation to that effect. Denmark's adoption of Law No 325 of 30.3.2019 for the Faroe Islands and Law No 326 of 30.3.2019 for Greenland ensures that those territories have incorporated into their legal order provisions corresponding to those of Regulation (EU) 2015/847.

(7) Therefore, Greenland and the Faroe Islands have adopted the same rules as those established under Regulation (EU) 2015/847 and require their respective payment service providers to apply them, thus fulfilling the criterion set out in point (c) of the second subparagraph of Article 24(1) of that Regulation.

(8) It is therefore appropriate to grant to Denmark the requested derogation.

(9) The measures provided for in this Decision are in accordance with the opinion of the Committee on the Prevention of Money Laundering and Terrorist Financing,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Denmark shall be authorised to conclude an agreement with Greenland and the Faroe Islands respectively, to the effect that transfers of funds between any of those territories and Denmark are treated as transfers of funds within Denmark for the purposes of Regulation (EU) 2015/847.

Article 2

Decision 2012/43/EU is repealed.

Article 3

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 16 October 2019.

For the Commission

Věra JOUROVÁ

Member of the Commission