



# The Guide to Anti-Money Laundering - Second Edition

**A closer look at recent trends reveals  
crackdown on money laundering in  
Europe**

# The Guide to Anti-Money Laundering - Second Edition

---

*The Guide to Anti-Money Laundering is one of the first publications to simultaneously tackle both sides of the money laundering conundrum. Edited by Sharon Cohen Levin of Sullivan & Cromwell, the second edition covers enforcement trends around the world and compliance trends – with specific practical advice for corporations and their counsel throughout.*

---

**Generated: July 4, 2024**

The information contained in this report is indicative only. Law Business Research is not responsible for any actions (or lack thereof) taken as a result of relying on or in any way using information contained in this report and in no event shall be liable for any damages resulting from reliance on or use of this information. Copyright 2006 - 2024 Law Business Research



Explore on GIR [↗](#)

# A closer look at recent trends reveals crackdown on money laundering in Europe

**Audrey Koh and Amanda Phay**

Pillsbury Winthrop Shaw Pittman

## Summary

REGULATORY OVERVIEW

IMPROVING TRANSPARENCY OF CORPORATE OWNERSHIP STRUCTURES

EFFECTIVE ASSET RECOVERY AS A PRIORITY

INCREASING REGULATION IN HIGH-RISK SECTORS

RECENT PROSECUTIONS AND ENFORCEMENT TRENDS

INTERNATIONAL COOPERATION

CONCLUSION

ENDNOTES

Recent years have seen an increased effort by authorities across Europe to clamp down on money laundering through a combination of legislative updates and targeted enforcement action. In this article, we look at some of the key developments in the anti-money laundering and counterterrorist financing (AML/CFT) landscape in the region, focusing on selected jurisdictions.

## REGULATORY OVERVIEW

A recent assessment of global AML/CFT risks by jurisdiction conducted by the Basel Institute on Governance identified the weakest area within countries in the European Union and Western Europe to be the quality of their AML/CFT frameworks.<sup>[2]</sup> In particular, many were found to be struggling with the effectiveness of their AML/CFT supervision, preventive measures and beneficial ownership transparency systems.<sup>[3]</sup>

Against this backdrop, there has been an ongoing effort by the European authorities to strengthen domestic and regional AML/CFT frameworks through legislative amendments and government guidance aimed at improving transparency of corporate ownership structures, effective asset recovery and increasing regulation of high-risk sectors.

## IMPROVING TRANSPARENCY OF CORPORATE OWNERSHIP STRUCTURES

### EUROPEAN UNION

The European Union has significantly tightened its AML/CFT regulatory framework through a series of AML Directives over the past decade. In May 2015, the European Parliament passed the Fourth AML Directive (2015/849), which was implemented across the European Union on 26 June 2017. The Fourth AML Directive was the most extensive update to European AML legislation in several years and was designed to strengthen the European Union's defences against money laundering and terrorist financing, while ensuring that the EU framework was aligned with the Financial Action Task Force's (FATF) AML/CFT standards. The Fourth AML Directive placed an increased emphasis on a risk-based approach to customer due diligence, and required EU Member States to keep an up-to-date central register of beneficial ownership information that is accessible to authorities, obliged entities and members of the public with a legitimate interest in the information.<sup>[4]</sup> Implementing the Fourth AML Directive, France established its Register of Beneficiaries on 1 December 2016,<sup>[5]</sup> and Germany established its Transparency Register on 26 June 2017.<sup>[6]</sup>

On 18 January 2024, the EU Council and European Parliament reached a provisional agreement on a sweeping package of AML/CFT reforms,<sup>[7]</sup> which include the tightening of beneficial ownership rules. Rules relating to multilayered ownership and control structures will be clarified to prevent abuse of complex corporate structures, and foreign entities that own real estate within the European Union will be required to register details of their beneficial ownership. These measures are intended to address the money laundering risks faced by the real estate industry in Europe, which we discuss in greater detail below.

### UNITED KINGDOM

The United Kingdom was one of the first countries to create a public beneficial ownership register with the launch of its People with Significant Control (PSC) Register in April 2016. In 2023, the UK government published its second Economic Crime Plan (2023–2026), outlining its plan for tackling economic crime over the next three years. Among the several high-risk

areas identified in the Plan, the abuse of corporate structures to launder money, particularly through property purchases in the United Kingdom, was highlighted as a major threat.<sup>[8]</sup> Improving transparency has therefore been one of the key priorities of the UK authorities.

On 1 August 2022, the UK government established the Register of Overseas Entities through the Economic Crime (Transparency and Enforcement) Act 2022, which requires overseas entities that own UK property or land to declare their beneficial owners or managing officers.<sup>[9]</sup> The Economic Crime and Transparency Act 2023 (ECCTA) was also passed on 26 October 2023, introducing significant reforms to existing regulatory and corporate governance frameworks in the United Kingdom. Among other things, the ECCTA sought to overhaul the role of Companies House (the body responsible for incorporating and maintaining companies in the United Kingdom), with the aim of improving transparency and thereby limiting the abuse of corporate structures. While Companies House was traditionally viewed as a passive receptacle of information, the amendments introduced by the ECCTA give Companies House expanded powers to scrutinise and challenge information it receives. Notably, Companies House can now verify the identity of company directors and can remove fraudulent entities from the company register.<sup>[10]</sup>

## SWITZERLAND

While there is currently no central beneficial ownership register in Switzerland, the Swiss authorities plan to introduce one. On 30 August 2023, the Swiss Federal Council published the draft bill for the Federal Act on the Transparency of Legal Entities and the Identification of Beneficial Owners. This legislation will establish a federal register of beneficial ownership in respect of Swiss companies and legal entities, Swiss branches of foreign entities and foreign entities acquiring real estate in Switzerland. The register will not be public but will be accessible to relevant authorities and financial intermediaries.<sup>[11]</sup>

## EFFECTIVE ASSET RECOVERY AS A PRIORITY

At a meeting of a joint FATF–Interpol initiative in September 2023, the FATF president stressed the importance of asset recovery as a key crime prevention strategy in order to remove the primary incentive for financial crime.<sup>[12]</sup> Effective recovery of criminal proceeds is accordingly an important facet of the European AML/CFT strategy, with European authorities consistently pursuing asset confiscation as a stand-alone policy and operational objective.

France, for example, passed Law No. 2010-768 in 2010 to facilitate the seizure and confiscation of the proceeds of crime. A new presumption was also introduced in the French Criminal Code (Law No. 2013-1117) in 2013, under which property and funds are presumed to be either direct or indirect proceeds of crime if there is no justification for their condition, conversion or concealment other than to conceal their beneficial owner or origin. The French Supreme Court confirmed this position in 2019 and held that the defendant bears the burden of proving that such property or funds were not of unlawful origin.<sup>[13]</sup>

In Germany, the government introduced non-conviction-based asset confiscation laws in 2017 and made asset confiscation a mandatory consideration for prosecutors in every case. This has led to the confiscation of large amounts of assets, significantly disrupting criminal enterprises.<sup>[14]</sup>

In the United Kingdom, the Asset Recovery Action Plan and first Economic Crime Plan (2019–2022) published by the government in 2019 have led to record asset recoveries under the Proceeds of Crime Act of £354 million in the financial year 2021/22.<sup>[15]</sup> Building on this

success, the United Kingdom's second Economic Crime Plan (2023–2026) further commits the government to reducing money laundering and recovering more criminal assets in the current implementation period. In this regard, the United Kingdom plans to establish a new anti-money laundering and asset recovery (AMLAR) programme, which will build a new asset recovery IT system and improve the crypto-tracing technology used by law enforcement agencies to enhance asset recovery.<sup>[16]</sup> The ECCTA will also broaden the scope of the United Kingdom's criminal confiscation and civil recovery regimes to include crypto-assets, effective from 26 April 2024.

### **INCREASING REGULATION IN HIGH-RISK SECTORS**

European authorities have recognised emerging AML/CFT risks in various sectors, namely the real estate industry, art market and crypto-asset space. In line with FATF recommendations, the European Union adopted the Fifth AML Directive (2018/843) in April 2018, which was implemented across the European Union on 10 January 2020. The Fifth AML Directive expanded the scope of regulated entities ('obliged entities') to include crypto-asset exchange providers, custodian wallet providers, estate agents and art businesses. In Switzerland, financial intermediaries that facilitate the transfer of virtual currencies to a third party have been subject to Swiss AML/CFT regulations since 1 August 2021.<sup>[17]</sup>

The EU AML regulations announced on 18 January 2024 will extend the list of obliged entities even further to cover crypto-asset service providers, as well as traders of luxury goods including artwork, cars and precious stones. The crypto sector will also be subject to enhanced due diligence and information sharing measures.<sup>[18]</sup>

### **REAL ESTATE**

Real estate transactions are one of the most popular means of laundering illicit funds in Europe. A report published in 2024 by the EU Agency for Law Enforcement Cooperation (Europol) on organised crime in the region found that over a third of the most threatening criminal networks in the European Union had laundered their illegal proceeds through real estate.<sup>[19]</sup>

France in particular is a prime hotspot for money laundering through luxury real estate purchases. According to France's 2023 national money laundering risk assessment, the luxury residential property market in certain regions near the country's borders and in its overseas territories is especially vulnerable to money laundering threats, as prices are volatile and there is no set benchmark in the luxury real estate market.<sup>[20]</sup> In a report dated July 2023, Transparency International, an independent anti-corruption organisation, called on French authorities to scale up AML enforcement efforts in the real estate sector, including by pursuing entities in breach of their beneficial ownership disclosure obligations or that submit non-compliant filings.<sup>[21]</sup>

French authorities have since launched investigations into several Russian oligarchs on suspicion of money laundering and tax fraud linked to their real estate wealth in the country. In September 2023, Paris prosecutors commenced a probe into LVMH's chair and CEO, Bernard Arnault, and Russian businessman Nikolai Sarkisov, on allegations of money laundering connected to luxury real estate transactions in France.<sup>[22]</sup> Just two months later, in November 2023, French prosecutors charged Russian billionaire Alexei Kuzmichev with aggravated tax fraud and money laundering. The charges stemmed from Kuzmichev's

undeclared income and real estate wealth in France, including a large Paris property he had purchased for €28 million in 2012.<sup>[23]</sup>

## ART MARKET

The high price volatility and anonymity of transactions in the art market are some of the features that make it an attractive way for criminals to launder dirty money.<sup>[24]</sup> In recent years, the crackdown on the illicit art and antiquities trade has picked up momentum in Europe, in the wake of a slew of international art trafficking cases that have ensnared prominent persons in the art world.<sup>[25]</sup>

One such major investigation that is still ongoing at the time of writing concerns an art smuggling ring that is alleged to have sold looted art and relics to museums around the world, including the Metropolitan Museum of Art in New York and the Louvre's branch in Abu Dhabi (Louvre Abu Dhabi). Arising from this investigation, in May 2023, French prosecutors charged the former Louvre president Jean-Luc Martinez for complicity in gang fraud and 'laundering by facilitating the false justification of the origin of the property of the author of a crime or an offence'.<sup>[26]</sup> The charges against Martinez were upheld by the French High Court on 14 November 2023, and the case is currently pending.

European authorities have naturally recognised the need for heightened scrutiny of this sector. In the United Kingdom, for example, HM Revenue & Customs (the authority with supervisory oversight over the art market) fined at least 31 art market participants between 10 January 2020 and 31 March 2023, primarily for failures to register with an AML supervisory body or to provide the required information for registration.<sup>[27]</sup>

## DIGITAL ASSETS

The 2024 Europol report on organised crime<sup>[28]</sup> identified cryptocurrencies as an increasingly attractive means of money laundering, with one-tenth of the most threatening criminal networks in the European Union using cryptocurrencies to launder their illicit gains. Indeed, the sheer amount of cryptocurrency that European authorities have seized in recent enforcement operations within the region reflects the size of the problem.

In 2018, the UK police seized over £2 billion worth of bitcoin in wallets held by an individual named Jian Wen, in the UK's largest bitcoin seizure to date. The bitcoin was acquired by a different individual, named Zhimin Qian (also known as Yadi Zhang), through a £5 billion investment scam in China. Wen was recruited to help Qian launder the profits of the scam and had converted significant amounts of bitcoin into cash, real estate and jewellery. Wen was prosecuted for her role in the laundering of the criminal proceeds and was convicted by the Crown Court in March 2024.<sup>[29]</sup> Qian was charged on 24 April 2024 with two counts of illegal possession of cryptocurrency.<sup>[30]</sup>

In March 2023, German authorities seized €44 million in digital currency in a takedown of ChipMixer, a cryptocurrency laundering service that mixed its users' bitcoin deposits with each other's so as to obfuscate their origins and make it difficult for law enforcement authorities to trace underlying transactions.<sup>[31]</sup> ChipMixer is estimated to have laundered around €2.8 billion during its operations and was reportedly the largest money laundering service on the darknet.<sup>[32]</sup>

## RECENT PROSECUTIONS AND ENFORCEMENT TRENDS

The tightening of existing AML/CFT regimes within Europe has also been complemented by robust enforcement against financial service providers, given their privileged position to detect suspicious activity. In this section, we discuss some emerging trends in recent prosecutions and regulatory fines across France, Germany, the United Kingdom and Switzerland.

## FRANCE

In 2014, following a national scandal where the former French socialist Budget Minister resigned after admitting to putting cash in a secret Swiss bank account, the National Financial Prosecutor's Office (PNF) was established to deal with serious economic and financial crime throughout France. In recent years, the PNF has directed most of its attention towards fighting tax evasion, and the majority of French money laundering charges have been pursued in that context. The harsh penalties handed down in these cases, which are targeted primarily at banks and their senior management, demonstrate the rigorous approach taken by the French enforcement authorities in this area.

In October 2017, HSBC entered into France's first deferred prosecution agreement (CJIP), whereby HSBC agreed to pay €300 million to the French authorities to settle a long-running investigation centring on allegations that its Swiss private banking unit had assisted clients in evading tax.<sup>[33]</sup> Following this settlement, in August 2019, the former head of HSBC's Swiss private banking unit Peter Braunwalder pleaded guilty to helping wealthy clients avoid taxes on assets worth at least €1.6 billion in relation to the same probe. Braunwalder was fined €500,000 and received a one-year suspended prison sentence.<sup>[34]</sup>

In December 2021, Swiss Bank UBS AG was convicted by the French court on charges of unlawful solicitation and aggravated laundering of the proceeds of tax fraud, arising from its business activities in France between 2004 and 2012.<sup>[35]</sup> The court fined UBS €3.75 million and additionally ordered it to pay civil damages of €800 million to the French state, on top of a confiscation order of €1 billion. On UBS' appeal of the decision, the French Supreme Court upheld the convictions but ordered a new trial in respect of the quantum of the fine.<sup>[36]</sup>

In October 2022, Credit Suisse agreed to pay a total of €238 million under a CJIP to avoid prosecution in respect of allegations that Credit Suisse had created offshore entities to assist its clients to avoid declaring their assets to the French tax authorities. A PNF probe commenced in 2016 found that 5,000 French nationals held undeclared Credit Suisse bank accounts that hid over €2 billion collectively.<sup>[37]</sup>

A particular type of tax evasion that has come into the spotlight of recent enforcement activity in the region involves 'cum-ex' and 'cum-cum' trading schemes.<sup>[38]</sup> Cum-cum and cum-ex trading reportedly cost taxpayers globally €150 billion, including €33.4 billion in France and €36 billion in Germany.<sup>[39]</sup> In March 2023, French and German prosecutors conducted a joint raid of the Paris offices of five banks including HSBC, Société Générale and BNP Paribas for suspected tax fraud and money laundering offences in connection with cum-cum trading.<sup>[40]</sup> The raids are linked to PNF investigations opened in December 2021.

## GERMANY

Historically, German enforcement authorities have faced criticisms for taking a reactive rather than a proactive approach to the identification of money laundering, and for failing to prioritise money laundering as a distinct offence from the predicate crime.<sup>[41]</sup> Recent years have signalled a shift in strategy, with the German government enacting various

legislative amendments to strengthen its AML/CFT regime and align its domestic framework with EU standards. Notably, Germany introduced a new version of the money laundering offence in March 2021, which considerably expanded criminal liability for money laundering. The new offence adopts an 'all crimes' approach,<sup>[42]</sup> where any criminal offence could be a predicate offence for money laundering,<sup>[42]</sup> and represents a move towards a more aggressive approach to combating money laundering.

In addition, following a critical report issued by the FATF in August 2022, which stated that Germany needed to do more to proactively and systematically investigate and prosecute money laundering activity,<sup>[43]</sup> the German government passed the Combating Financial Crimes Act, which came into force on 1 January 2024. This legislation establishes a specialised AML agency, called the Federal Office to Combat Financial Crimes (BFF), which is intended to assume an oversight role in the fight against money laundering, the prosecution of financial crimes and the investigation of suspicious transactions. Importantly, the BFF will be guided by a 'follow the money' principle to identify money laundering networks, addressing previous criticisms that the German enforcement approach was overly focused on pursuing predicate offences, to the neglect of large money laundering schemes.<sup>[44]</sup> It is anticipated that the BFF, which is expected to be operational in 2025, will lead to an increase in enforcement activity in Germany.

There has already been growing regulatory action against financial service providers for AML control failings in Germany, particularly in relation to breaches of reporting obligations. In October 2020, Frankfurt prosecutors fined Deutsche Bank a total of €13.5 million for its failure to make prompt reports of 627 suspicious transactions. The case arose from the Danske Bank scandal, which involved the flow of €200 billion in illicit funds from Russia and other ex-Soviet republics through Danske Bank's Estonian branch in an international money laundering scheme that took place between 2007 and 2018. Deutsche Bank had processed the bulk of the suspicious payments. The prosecutors dropped the wider criminal probe into specific employees at Deutsche Bank who were alleged to have aided and abetted money laundering, citing a lack of evidence.<sup>[45]</sup> Separately, in 2022, Deutsche Bank agreed to pay an administrative penalty of €7.01 million to settle a probe by Frankfurt prosecutors, who found that the bank had failed to file 701 reports of suspicious activities.<sup>[46]</sup> Banks aside, Germany's largest fintech company, Solaris, was recently fined a record €6.5 million by the German financial supervisor regulator, BaFin, for a systemic failure to promptly report suspicious transactions.<sup>[47]</sup>

Similar to France, German authorities have also shown an interest in clamping down on tax fraud and the illicit laundering of the relevant proceeds. In 2015, Frankfurt prosecutors investigated seven employees of Deutsche Bank in connection with a carbon trading scandal, where the employees were accused of conspiring to evade tax of approximately €220 million in the trading of carbon emission certificates.<sup>[48]</sup> Deutsche Bank was not itself convicted, as there is no corporate criminal liability under German law. The bank, however, was fined €40 million for failing to have adequate procedures in place to prevent money laundering.<sup>[49]</sup>

The German authorities have also launched various investigations into cum-cum and cum-ex schemes. In 2021, Hamburg prosecutors charged former British hedge fund manager Sanjay Shah and six other individuals in Germany for alleged money laundering of the proceeds of cum-ex tax deals in Denmark and Belgium transactions.<sup>[50]</sup> In October 2023, the six men charged alongside Shah each agreed to pay between €30,000 and €100,000 to settle the German money laundering charges against them.<sup>[51]</sup>

## UNITED KINGDOM

Much like in France and Germany, the United Kingdom has seen robust enforcement of AML regulations against those who stand at the front line of the fight against money laundering. In 2021, the Financial Conduct Authority (FCA) commenced the United Kingdom's first criminal prosecution for offences under the Money Laundering and Terrorist Financing (Amendment) Regulations 2019, which set out the United Kingdom's AML/CFT framework. The FCA charged NatWest for failing to adequately monitor or scrutinise suspicious activity by its customer jewellery business Fowler Oldfield, despite the increasingly large cash deposits made, which could have prevented its money laundering activities. NatWest pleaded guilty to three charges of failing to comply with the relevant AML regulations and was sentenced to a fine of £264,772,619.95.<sup>[52]</sup>

There has similarly been a significant uptick in terms of administrative fines. In December 2021, the FCA fined HSBC £64 million for failings in its AML practices over the period of 2010 to 2018, noting that the bank had been made aware of the weaknesses in its AML monitoring processes several times before it took any action.<sup>[53]</sup> Similarly, Santander UK Plc was fined £107.7 million by the FCA in December 2022 for failures to manage its AML systems between December 2012 and October 2017. The FCA's investigations found that Santander had repeatedly failed to monitor deposits made into customers' accounts and failed to close suspicious accounts.<sup>[54]</sup>

The FCA is also taking significant action in relation to cum-ex trading and the laundering of the proceeds thereof. In July 2022, the FCA imposed a fine of £2,038,700 on the United Kingdom-based investment brokerage TJM Partnership Limited (in liquidation). The FCA found that TJM failed to ensure that it had effective procedures, systems and controls to identify and mitigate the risk of being used to facilitate fraudulent trading and money laundering in relation to trading on behalf of clients of the Solo Group between January 2014 and November 2015. Additionally, the firm failed to identify or escalate any potential financial crime concerns and money laundering risks in two other instances relating to Solo Group business.<sup>[55]</sup>

Other UK regulators have also stepped up on enforcement and have shown a clear trend in increasing the fines imposed on regulated entities for failures in their AML processes. The Solicitors Regulation Authority (SRA) fined 19 law firms a total of £290,000 between October 2023 and March 2024 for poor AML practices, with the largest fine being £100,000.<sup>[56]</sup> This was a significant uptick from the preceding six-month period, during which the SRA had issued just six fines, with the largest fine being £5,250.<sup>[57]</sup> The Gambling Commission also concluded 26 enforcement cases against gambling operators over a 15-month period, with three William Hill Group businesses paying a record total of £19.2 million in March 2023 in a regulatory settlement over 'widespread and alarming' failures in its AML and social responsibility controls,<sup>[58]</sup> and Entain paying £17 million in August 2022 for breaches of AML and customer safety regulations.<sup>[59]</sup>

## SWITZERLAND

There has been a similar rise in enforcement against banks in Switzerland. Following an interview in October 2016 where the then head of the Swiss Financial Market Supervisory Authority (FINMA), Mark Branson, had stated that the risk of high fines alone was not sufficient to dissuade banks from breaking the law,<sup>[60]</sup> the Swiss authorities have stepped up action against errant banks.

In 2021, the country saw its first criminal prosecution of a bank for corporate criminal liability in respect of money laundering, with Falcon Private Bank standing trial for money laundering charges in relation to the 1MDB scandal involving the Malaysian state fund.<sup>[61]</sup> The Swiss Federal Criminal Court convicted Falcon Bank after a full trial, ruling that the bank was responsible for laundering the proceeds of the alleged crime against 1MDB because it failed to manage high-risk client relationships, maintain effective internal controls and implement an independent compliance system.<sup>[62]</sup> While this conviction was subsequently overturned by the appeal court, which found that there was insufficient evidence of the predicate offence,<sup>[63]</sup> this prosecution nevertheless signals the trend towards a more aggressive enforcement approach by the Swiss authorities.

Just six months after the Falcon Bank trial, in June 2022, Credit Suisse was convicted after trial in the Federal Criminal Court for failing to prevent a Bulgarian cocaine trafficking ring from laundering its illicit profits through the bank from 2004 to 2008. The Court found deficiencies in the bank's client management as well as its monitoring and implementation of AML rules, which had enabled the withdrawal of the criminal organisation's assets.<sup>[64]</sup> Credit Suisse was sentenced to a fine of 2 million Swiss francs and ordered to pay 19 million Swiss francs in compensation.<sup>[65]</sup> A former bank employee was also found guilty of aggravated money laundering and received a 20-month suspended prison sentence, along with a suspended fine of 30,000 Swiss francs.<sup>[66]</sup>

Concurrently, the fight against organised crime is also a strategic priority for the Office of the Attorney General of Switzerland (OAG).<sup>[67]</sup> In this regard, the OAG has directed a large part of its investigation and enforcement efforts towards prosecuting international cases of money laundering, including the 1MDB scandal.

As at April 2024, the OAG had around 20 open criminal proceedings in relation to the international corruption case known as Lava Jato, which has its epicentre in Brazil, including three against financial institutions.<sup>[68]</sup> In conjunction with the Lava Jato case, on 28 March 2024, the OAG found that PKB Privatbank AG failed to have in place sufficient AML measures and procedures to prevent two of its employees from laundering over US\$20 million, and ordered the bank to pay 750,000 Swiss francs in a summary penalty order.<sup>[69]</sup>

## **INTERNATIONAL COOPERATION**

There has been a clear movement in recent years to facilitate greater cooperation and coordination between national investigation and enforcement authorities within Europe. In this regard, European bodies such as Europol and the EU Agency for Criminal Justice Cooperation (Eurojust) play a significant role in coordinating parallel investigations between EU Member States in relation to international crime and cross-border money laundering. Outside the European Union, Eurojust has also concluded international cooperation agreements with 12 non-EU countries, including Iceland, Norway and Switzerland.<sup>[70]</sup>

## **JOINT INVESTIGATION TEAMS**

One international cooperation tool used widely by European authorities to coordinate cross-jurisdictional enforcement action is joint investigation teams (JITs), which are supported by Europol and Eurojust. A JIT is formed through a legal agreement between competent authorities of two or more EU Member States to carry out criminal investigations, and can consist of law enforcement officers, prosecutors, judges and other relevant personnel.<sup>[71]</sup> JITs are a highly efficient and effective cooperation tool, as they allow evidence

gathered in one participating State to be shared with others within the JIT based on the JIT agreement, without having to go through the formal mutual legal assistance channels.<sup>[72]</sup> JITs can be also set up with non-EU countries if there is an international treaty basis to underpin the cooperation.<sup>[73]</sup>

Between 2019 and 2022, Eurojust reportedly supported 401 bilateral and 97 multilateral JITs.<sup>[74]</sup> Non-EU countries participated in 166 of all the supported JITs, with the United Kingdom and Switzerland being the non-EU countries involved in the most JITs. JITs set up in 2019 and after were most commonly concerned with organised crime, followed by money laundering activities.

There have been numerous examples of European authorities taking coordinated action in respect of cross-border money laundering by or on behalf of organised crime groups. These include several investigations into the Italian mafia organisation 'Ndrangheta, which is recognised as one of the most powerful organised crime syndicates in the world. In 2016, the Swiss and Italian authorities established a JIT to coordinate transnational investigations into the 'Ndrangheta, pursuant to which the Swiss OAG commenced criminal proceedings against six Italian nationals, most of whom were resident in Switzerland, for their suspected participation in the criminal organisation and associated money laundering activities.<sup>[75]</sup> In June 2022, authorities in Italy, Romania, Bulgaria and Switzerland conducted a coordinated action against a group suspected of laundering money for the 'Ndrangheta, resulting in the arrest of the main suspect and the seizure of assets worth over €4 million.<sup>[76]</sup>

In February 2024, following a JIT between Germany and Latvia, national authorities in Germany, France, Italy, Latvia and Malta arrested four suspects in relation to investigations into a Maltese financial institution. This institution had allegedly laundered at least €4.5 million for a Russian–Eurasian criminal network using various sham corporate structures since 2015.<sup>[77]</sup>

## **HARMONISING AML/CFT FRAMEWORKS ACROSS THE EUROPEAN UNION**

The European Union has also been active in developing a pan-European approach to AML supervision through various legislative proposals. Following several high-profile AML failings involving European banks, including the Danske Bank scandal, in September 2018, the EU Commission proposed enhancing the European Banking Authority's (EBA) remit and powers regarding the implementation of the European Union's AML Directives.<sup>[78]</sup> Since 1 January 2020, the EBA has been tasked with leading, coordinating and monitoring the AML/CFT efforts of all EU financial service providers and competent authorities. In this regard, the EBA has published several guidelines that seek to harmonise the AML/CFT framework and supervisory approach across EU countries.<sup>[79]</sup>

In July 2021, the EU Commission proposed the establishment of the Anti-Money Laundering Authority (AMLA) as part of a legislative package aimed at implementing the European Union's 2020 Action Plan on preventing money laundering and terrorist financing. Expected to begin operations in mid-2025 in Frankfurt,<sup>[80]</sup> the AMLA will directly supervise entities in sectors with the highest AML risk, including crypto-asset service providers, thereby taking over from the EBA's role as the European Union's AML/CFT supervisory body. The AMLA is expected to publish regulatory technical standards, guidelines, recommendations and opinions with the aim of harmonising supervisory practices and standards across all Member States. The AMLA will also host the central online financial intelligence system and facilitate information exchange and cooperation among financial intelligence units.

Pursuant to the provisional agreement reached on 18 January 2024, the European Union will also transfer all AML/CFT rules relating to the private sector to a new regulation, which will be directly applicable in all Member States, bypassing the need for national implementation. This will, for the first time, harmonise the AML/CFT rules at the EU level. A separate Directive will also be issued to improve the organisation of domestic AML/CFT systems on a national level.<sup>[81]</sup> In this context, the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) – Europe’s regional FATF-style body – is responsible for assessing the domestic AML/CFT systems of the 35 European jurisdictions under its oversight. It ensures compliance with the FATF’s standards and makes recommendations to national authorities.<sup>[82]</sup>

## CONCLUSION

AML enforcement in Europe is expected to continue growing for the foreseeable future, especially in the wake of the new AMLA, AMLAR and BFF commencing their operations, alongside the implementation of the EU-wide AML/CFT measures agreed in January 2024. Given the rapidly evolving landscape, it will be more crucial than ever to stay informed about the latest developments in AML/CFT legislation and guidance in the region.

## ENDNOTES

[1] Audrey Koh is a partner and Amanda Phay is an associate at Pillsbury Winthrop Shaw Pittman LLP. The authors wish to thank trainee Elinor Lee for her contribution to the article.

[2] Basel Institute on Governance, ‘Basel AML Index 2023: 12th Public Edition – Ranking money laundering and terrorist financing risks around the world’ [2023] <https://baselgovernance.org/publications/basel-aml-index-2023>.

[3] Tax Justice Network, ‘Financial Secrecy Index’ (2022) <https://fsi.taxjustice.net/>.

[4] The Fifth AML Directive (2018/843) subsequently required that access to this central register be opened up to the general public (including those without a legitimate interest), but this expanded requirement was later struck down by the European Court of Justice as being incompatible with fundamental rights to privacy and the protection of personal data: see Joined Cases C-37/20 and C-601/20 (WM and Sovim SA v. Luxembourg Business Registers).

[5] Through the French Ordinance No. 2016-1635.

[6] Through the German Anti-Money Laundering Act (Geldwäschegesetz).

[7] Council of the European Union, ‘Anti-money laundering: Council and Parliament strike deal on stricter rules’ (18 January 2024) <https://www.consilium.europa.eu/en/press/press-releases/2024/01/18/anti-money-laundering-council-and-parliament-strike-deal-on-stricter-rules/>.

[8] UK Economic Crime Plan 2 (2023–2026) at [2.7].

[9] UK government, ‘The new Register of Overseas Entities is live’ (1 August 2022) <https://www.gov.uk/government/news/the-new-register-of-overseas-entities-is-live>.

[10] Effective from 4 March 2024: see The Economic Crime and Corporate Transparency Act 2023 (Commencement No. 2 and Transitional Provision) Regulations 2024 Reg 2.

[11] [Switzerland Federal Council, 'Federal Council wishes to increase transparency of legal entities' \(12 October 2022\) <https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-90662.html>.](https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-90662.html)

[12] [Interpol, 'FATF-INTERPOL partnership: putting trillions in illicit profits back into legitimate economies' \(20 September 2023\) <https://www.interpol.int/News-and-Events/News/2023/FATF-INTERPOL-partnership-putting-trillions-in-illicit-profits-back-into-legitimate-economies>.](https://www.interpol.int/News-and-Events/News/2023/FATF-INTERPOL-partnership-putting-trillions-in-illicit-profits-back-into-legitimate-economies)

[13] Cass., Crim. 18 December 2019, No. 19-82.496.

[14] [FATF, 'Anti-money laundering and counter-terrorist financing measures – Germany' \[2022\] Fourth Round Mutual Evaluation Report <https://www.fatf-gafi.org/en/publications/mutualevaluations/documents/mer-germany-2022.html>.](https://www.fatf-gafi.org/en/publications/mutualevaluations/documents/mer-germany-2022.html)

[15] Economic Crime Plan 2 (n. 8).

[16] [UK Home Office, '18 January 2024: Anti Money Laundering and Asset Recovery \(AMLAR\) Programme accounting officer assessment' \(2 April 2024\) <https://www.gov.uk/government/publications/home-office-major-programmes-accounting-officer-assessments/18-january-2024-anti-money-laundering-and-asset-recovery-amlar-programme-accounting-officer-assessment#fnref:3>.](https://www.gov.uk/government/publications/home-office-major-programmes-accounting-officer-assessments/18-january-2024-anti-money-laundering-and-asset-recovery-amlar-programme-accounting-officer-assessment#fnref:3)

[17] [By virtue of the Federal Act on the Adaptation of the Federal Act to Changes in Distributed Ledger Technology.](#)

[18] 'Anti-money laundering: Council and Parliament strike deal on stricter rules' (n. 7) 2.

[19] [Europol, 'Decoding the EU's most threatening criminal networks' \[2024\] Publications Office of the European Union <https://www.europol.europa.eu/cms/sites/default/files/documents/Europol%20report%20on%20Decoding%20the%20EU-s%20most%20threatening%20criminal%20networks.pdf>.](https://www.europol.europa.eu/cms/sites/default/files/documents/Europol%20report%20on%20Decoding%20the%20EU-s%20most%20threatening%20criminal%20networks.pdf)

[20] [Autorite des Marches Financiers, 'Analyse nationale des risques de blanchiment de capitaux et de financement du terrorisme en France' \[2023\] <https://www.tresor.economie.gouv.fr/Articles/cf505823-7337-4178-abd2-e5bdec00ce41/files/eec8335d-8bf8-4fea-b1ad-8075072408eb>.](https://www.tresor.economie.gouv.fr/Articles/cf505823-7337-4178-abd2-e5bdec00ce41/files/eec8335d-8bf8-4fea-b1ad-8075072408eb)

[21] [Sara Brimbeuf and others, 'Behind a Wall: Investigating company and real estate ownership in France' \[2023\] Transparency International <https://images.transparencycdn.org/images/2023-Report-Behind-a-Wall-English.pdf>.](https://images.transparencycdn.org/images/2023-Report-Behind-a-Wall-English.pdf)

[22] [It is alleged that Sarkisov had, with a €18.3 million loan from Arnault and using a complex deal structure, effected the sale of several properties from two of his companies to another \(SNC La Flèche\), which allowed him to pocket a capital gain of €1.2 million. LVMH/Arnault subsequently acquired SNC La Flèche following the sale and thereby became the beneficial owner of the said properties. See MSN, 'French billionaire Arnault, Russian oligarch investigated in money laundering probe' \(29 September 2023\) <https://www.msn.com/en-gb/news/world/french-billionaire-arnault-russian-oligarch-investigated-in-money-laundering-probe/ar-AA1hr0oV>.](https://www.msn.com/en-gb/news/world/french-billionaire-arnault-russian-oligarch-investigated-in-money-laundering-probe/ar-AA1hr0oV)

[23] Le Monde with AFP, 'Russian oligarch Alexei Kuzmichev charged in France with tax fraud' (2 November 2023) [https://www.lemonde.fr/en/russia/article/2023/11/01/russian-oligarch-alexei-kuzmichev-charged-in-france-with-tax-fraud\\_6220385\\_140.html](https://www.lemonde.fr/en/russia/article/2023/11/01/russian-oligarch-alexei-kuzmichev-charged-in-france-with-tax-fraud_6220385_140.html).

[24] FATF, 'Money Laundering and Terrorist Financing in the Art and Antiquities Market' [2023] <https://www.fatf-gafi.org/content/dam/fatf-gafi/reports/Money-Laundering-Terrorist-Financing-Art-Antiquities-Market.pdf.coredownload.pdf>.

[25] United Nations Office on Drugs and Crime, 'FALSE TRADES: UNCOVERING THE SCALE AND SCOPE OF TRAFFICKING IN CULTURAL PROPERTY' [2022] [https://www.unodc.org/documents/data-and-analysis/briefs/Trafficking\\_in\\_cultural\\_properties\\_brief.pdf](https://www.unodc.org/documents/data-and-analysis/briefs/Trafficking_in_cultural_properties_brief.pdf).

[26] The charges pertained to Louvre Abu Dhabi's purchase of several artefacts of illicit origin on the recommendation and approval of the scientific committee of Agence France-Muséums (AFM), a private consulting firm that had been contracted to review the provenance records of artefacts being considered for the Louvre Abu Dhabi. Martinez, who was concurrently the head of the Louvre as well as the president of the AFM scientific committee, was accused of failing to heed concerns about the provenance of the looted artifacts that another archaeologist had raised. Martinez's negligence in certifying the provenance of the looted artefacts was said to have facilitated the fraud and money laundering activities of the art trafficking ring. Another curator, Jean-François Charnier, was also indicted on similar French money laundering charges in July 2022, but the French High Court dropped the charges against Charnier on 14 November 2023 on the basis that his arrest had not complied with the proper procedures. See The Art Newspaper, 'Antiquities trafficking charges upheld against former Louvre director Jean-Luc Martinez' (17 November 2023) <https://www.theartnewspaper.com/2023/11/17/antiquities-trafficking-charges-upheld-against-former-louvre-director-jean-luc-martinez>.

[27] UK government, 'Businesses that have not complied with the regulations (2022 to 2023)' (17 April 2024) <https://www.gov.uk/government/publications/businesses-not-complying-with-money-laundering-regulations-in-2018-to-2019/businesses-that-have-not-complied-with-the-regulations-2022-to-2023>.

[28] 'Decoding the EU's most threatening criminal networks' (n. 19) 4.

[29] CPS, 'Specialist CPS team involved in UK's largest Bitcoin seizure' (20 March 2024) <https://www.cps.gov.uk/cps/news/specialist-cps-team-involved-uks-largest-bitcoin-seizure>. At the time of writing, Wen is scheduled to be sentenced on 10 May 2024.

[30] Qian pleaded not guilty to the charges and the matter against her is presently ongoing. See Financial Times, 'Chinese woman charged in UK with criminal possession of crypto' (24 April 2024) <https://www.ft.com/content/67824c3f-8031-4f04-bfd4-92282f9e99e2>.

[31] US Department of Justice, 'Justice Department Investigation Leads to Takedown of Darknet Cryptocurrency Mixer that Processed Over \$3 Billion of Unlawful Transactions' (15 March 2023) <https://www.justice.gov/opa/pr/justice-department-investigation-leads-taken-down-darknet-cryptocurrency-mixer-processed-over-3>.

[32] [Europol, 'One of the darkweb's largest cryptocurrency laundromats washed out'](https://www.europol.europa.eu/media-press/newsroom/news/one-of-darkwebs-largest-cryptocurrency-laundromats-washed-out) (15 March 2023) <https://www.europol.europa.eu/media-press/newsroom/news/one-of-darkwebs-largest-cryptocurrency-laundromats-washed-out>.

[33] [BBC News, 'HSBC to pay €300m to settle tax investigation'](https://www.bbc.co.uk/news/business-41992985) (15 November 2017) <https://www.bbc.co.uk/news/business-41992985>.

[34] [International Consortium of Investigative Journalists, 'Ex-HSBC Swiss Banker Pleads Guilty in \\$1.8 Billion French Tax Case'](https://www.icij.org/investigations/swiss-leaks/ex-hsbc-swiss-banker-pleads-guilty-in-1-8-billion-french-tax-case/#:~:text=The%20former%20head%20of%20the.%241.8%20billion%20from%20French%20authorities.&text=The%20former%20head%20of%20banking,wealthy%20clients%20hide%20%241.8%20billion) (7 August 2019) <https://www.icij.org/investigations/swiss-leaks/ex-hsbc-swiss-banker-pleads-guilty-in-1-8-billion-french-tax-case/#:~:text=The%20former%20head%20of%20the.%241.8%20billion%20from%20French%20authorities.&text=The%20former%20head%20of%20banking,wealthy%20clients%20hide%20%241.8%20billion>.

[35] [UBS had initially tried to negotiate a CJIP with the French authorities, but parties were unable to reach an agreement on the amount of the settlement fine.](#)

[36] [Financial Times, 'UBS fails to overturn guilty verdict in French tax evasion case'](https://www.ft.com/content/e49ecfb8-00e9-4828-bf66-30cb059f4900?accessToken=zWAGFIQIZPIkdPkns-4A0I1KNO_ZjDLBZ9JAA.MEUCICrQCzp34YcYF7zZqqgO4V3F5GzRjWkxLoDoBGZjqekJAiEA3mARZRTfQ5XAPvLAWu6GYTIPmVNi8AfstKcPcOCFalE&sharetype=gift&token=ead7f29c-1ade-4eaf-9bab-c75599a2f20e) (15 November 2023) [https://www.ft.com/content/e49ecfb8-00e9-4828-bf66-30cb059f4900?accessToken=zWAGFIQIZPIkdPkns-4A0I1KNO\\_ZjDLBZ9JAA.MEUCICrQCzp34YcYF7zZqqgO4V3F5GzRjWkxLoDoBGZjqekJAiEA3mARZRTfQ5XAPvLAWu6GYTIPmVNi8AfstKcPcOCFalE&sharetype=gift&token=ead7f29c-1ade-4eaf-9bab-c75599a2f20e](https://www.ft.com/content/e49ecfb8-00e9-4828-bf66-30cb059f4900?accessToken=zWAGFIQIZPIkdPkns-4A0I1KNO_ZjDLBZ9JAA.MEUCICrQCzp34YcYF7zZqqgO4V3F5GzRjWkxLoDoBGZjqekJAiEA3mARZRTfQ5XAPvLAWu6GYTIPmVNi8AfstKcPcOCFalE&sharetype=gift&token=ead7f29c-1ade-4eaf-9bab-c75599a2f20e).

[37] [Organised Crime and Corruption Reporting Project, 'Credit Suisse to Pay \\$234M to Settle French Tax Fraud Probe'](https://www.occrp.org/en/daily/16944-credit-suisse-to-pay-234m-to-settle-french-tax-fraud-probe) (25 October 2022) <https://www.occrp.org/en/daily/16944-credit-suisse-to-pay-234m-to-settle-french-tax-fraud-probe>.

[38] [Cum-cum schemes generally involve the temporary transfer of shares from a foreign shareholder to a domestic institution to allow the latter to claim tax rebates on dividend payments that the former would not otherwise be eligible for, while cum-ex schemes exploit legal loopholes to allow multiple parties to claim ownership of the same shares for tax rebate purposes, thereby receiving double recovery of tax refunds on dividend payments.](#)

[39] [Correctiv Recherchen für die Gesellschaft, 'Cumex Files 2.0'](https://correctiv.org/en/latest-stories/2021/10/21/cumex-files-2/) (2021) <https://correctiv.org/en/latest-stories/2021/10/21/cumex-files-2/>.

[40] [Financial Times, 'French Prosecutors raid banks in tax fraud probe'](https://www.ft.com/content/7f66ef0a-8e38-42df-88ca-fb75de02f46c) (28 March 2023) <https://www.ft.com/content/7f66ef0a-8e38-42df-88ca-fb75de02f46c>.

[41] ['Anti-money laundering and counter-terrorist financing measures – Germany'](#) (n. 14) 3.

[42] [This new version of the money laundering offence was introduced by Section 261 of the German Criminal Code, which has been in force in Germany since 18 March 2021. The expanded approach draws from the European Union's Sixth AML Directive \(2015/849/\), which sets out a lengthy list of 22 predicate offences for money laundering.](#)

[43] [Financial Times, 'Germany to "follow the money" with new financial crime agency'](https://www.ft.com/content/587b6c52-c93e-4b2c-949a-53f6a166719d) (29 March 2023) <https://www.ft.com/content/587b6c52-c93e-4b2c-949a-53f6a166719d>.

[44] Federal Ministry of Finance, 'Stepping up the fight against financial crime' (11 October 2023) <https://www.bundesfinanzministerium.de/Content/EN/Standardartikel/Topics/Priority-Issues/Financial-Crime/fight-against-financial-crime.html>.

[45] Financial Times, 'Deutsche Bank fined €13.5m for flagging suspicious transactions too late' (13 October 2020) <https://www.ft.com/content/5159f9c1-6984-4b3c-b48e-86c0f96752b1>.

[46] Bloomberg UK, 'Deutsche Bank Settles Money-Laundering Case for \$7.1 Million' (21 July 2022) <https://www.bloomberg.com/news/articles/2022-07-21/deutsche-bank-settles-money-laundering-case-for-7-1-million?embedded-checkout=true>.

[47] Federal Financial Supervisory Authority, 'Solaris SE Announcement' (7 March 2024) [https://www.bafin.de/SharedDocs/Veroeffentlichungen/DE/Massnahmen/60b\\_KWG\\_8\\_4\\_WpIG\\_und\\_57\\_GwG/meldung\\_2024\\_03\\_07\\_Solaris\\_SE.html;jsessionid=8C8CAB5224AFC5D23D1E1CCA42FB985A.internet981?nn=19645206](https://www.bafin.de/SharedDocs/Veroeffentlichungen/DE/Massnahmen/60b_KWG_8_4_WpIG_und_57_GwG/meldung_2024_03_07_Solaris_SE.html;jsessionid=8C8CAB5224AFC5D23D1E1CCA42FB985A.internet981?nn=19645206).

[48] International Business Times, 'Deutsche Bank Employees Charged In Carbon Emissions Trading Scandal' (13 August 2015) <https://www.ibtimes.com/deutsche-bank-employees-charged-carbon-emissions-trading-scandal-2051788>.

[49] Reuters, 'Bafin fines Deutsche Bank for anti-money laundering flaws: source' (24 June 2016) [https://www.reuters.com/article/idUSKCN0ZA1YG/#:~:text=FRANKFURT%20\(Reuters\)%20%2D%20German%20financial.close%20to%20the%20matter%20said](https://www.reuters.com/article/idUSKCN0ZA1YG/#:~:text=FRANKFURT%20(Reuters)%20%2D%20German%20financial.close%20to%20the%20matter%20said).

[50] Shah, the main suspect in the case, is alleged to have fraudulently obtained a dividend tax refund from the Danish treasury via a cum-ex trading scheme. His trial for fraud in Denmark began in March 2024 and the matter is currently ongoing. See The Guardian, 'British hedge fund trader goes on trial in Denmark accused of £1bn fraud' (11 March 2024) <https://www.theguardian.com/world/2024/mar/11/british-hedge-fund-trader-san-jay-shah-fraud-trial-denmark>.

[51] Bloomberg Tax, 'Hedge Fund Founder's Alleged Accomplices Settle Cum-Ex Cases (1)' (20 October 2023) <https://news.bloombergtax.com/daily-tax-report-international/hedge-fund-founders-alleged-accomplices-settle-cum-ex-cases>.

[52] Financial Conduct Authority, 'NatWest fined £264.8 million for anti-money laundering failures' (13 December 2021) <https://www.fca.org.uk/news/press-releases/natwest-fined-264.8million-anti-money-laundering-failures>.

[53] HSBC did not dispute the FCA's findings and consequently received a 30 per cent reduction in the original fine of £91 million. See Financial Conduct Authority, 'FCA fines HSBC Bank plc £63.9 million for deficient transaction monitoring controls' (17 December 2021) <https://www.fca.org.uk/news/press-releases/fca-fines-hsbc-bank-plc-deficient-transaction-monitoring-controls>.

[54] Santander likewise did not dispute the findings and consequently received a 30 per cent reduction in the original fine from £154 million. See Financial Conduct Authority, 'FCA fines Santander UK £107.7 million for repeated anti-money laundering failures' (9 December 2022)

<https://www.fca.org.uk/news/press-releases/fca-fines-santander-uk-repeated-anti-money-laundering-failures>.

[55] Financial Conduct Authority, 'FCA fines The TJM Partnership Limited (in liquidation) £2 million for serious financial crime control failings in relation to cum-ex trading' (15 July 2022)

<https://www.fca.org.uk/news/press-releases/fca-fines-tjm-partnership-limited-liquidation-serious-financial-crime-control-failings>.

[56] The Law Society Gazette, 'Revealed: Fines mount up as SRA cracks down on AML breaches' (8 March 2024)

<https://www.lawgazette.co.uk/news/revealed-fines-mount-up-as-sra-cracks-down-on-aml-breaches/5118978.article>.

[57] *ibid.*

[58] Gambling Commission, 'William Hill Group businesses to pay record £19.2m for failures' (28 March 2023)

<https://www.gamblingcommission.gov.uk/news/article/william-hill-group-businesses-to-pay-record-gbp19-2m-for-failures>.

[59] Gambling Commission, 'Entain to pay £17 million for regulatory failures' (17 August 2022) <https://www.gamblingcommission.gov.uk/news/article/entain-to-pay-gbp17-million-for-regulatory-failures>.

[60] Swi Swissinfo.ch, 'Big fines for banks not effective, says FINMA head' (16 October 2016)

[https://www.swissinfo.ch/eng/business/money-laundering\\_big-fines-for-banks-not-effective-says-finma-head/42520476](https://www.swissinfo.ch/eng/business/money-laundering_big-fines-for-banks-not-effective-says-finma-head/42520476).

[61] Office of the Attorney General of the Swiss Confederation, 'Annual Report - Report of the Office of the Attorney General of Switzerland on its activities in 2021 for the attention of the supervisory authority' [2022]

<https://www.bundesanwalt.ch/mpc/en/home/taetigkeitsberichte/taetigkeitsberichte-der-ba.html>.

The Swiss prosecutors (OAG) alleged that Khadem al Qubaisi, who was convicted in the United Arab Emirates in 2019 for financial crimes, had misappropriated €194 million from the 1MDB wealth fund and moved the money through his accounts at Falcon Bank.

[62] Global Investigations Review, 'Swiss bank's conviction overturned in 1MDB case' (4 July 2023)

<https://globalinvestigationsreview.com/article/swiss-banks-conviction-overturned-in-1mdb-case>.

[63] Finewscom, 'Surprising Turn in the Falcon Private Bank Case' (4 July 2023)

<https://www.finews.com/news/english-news/58129-acquittal-falcon-private-bank-case>.

[64] CNBC, 'Credit Suisse found guilty in money-laundering case' (27 June 2022)

<https://www.cnbc.com/2022/06/27/credit-suisse-found-guilty-in-money-laundering-case.html>.

[65] The Swiss Federal Criminal Court, 'Case of the Office of the Attorney General of Switzerland v Credit Suisse AG and other defendants (SK202062)' (27 June 2022)

<https://www.bstger.ch/fr/media/comunicati-stampa/2022/2022-06-27/1275.html>.

[66] Public Eye, 'King of Bulgarian cocaine: Credit Suisse is condemned but Swiss justice lacks bite' (27 June 2022) <https://www.publiceye.ch/en/media-corner/press-releases/detail/king-of-bulgarian-cocaine-credit-suisse-is-condemned>.

[67] Switzerland Federal Council, 'Coordinated anti-Mafia action in Switzerland and Italy' (21 June 2020) <https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-79900.html>.

[68] Office of the Attorney General of Switzerland, 'PKB PRIVATBANK SA convicted for corporate liability in connection with aggravated money laundering' (4 April 2024) [https://www.bundesanwaltschaft.ch/mpc/en/home/medien/archiv-medienmitteilungen/nsb\\_medienmitteilungen.msg-id-100600.html](https://www.bundesanwaltschaft.ch/mpc/en/home/medien/archiv-medienmitteilungen/nsb_medienmitteilungen.msg-id-100600.html). For more details of the Lava Jato case, please see the GIR article in this edition 'Latest developments in the Latin American fight against money laundering'.

[69] The OAG's criminal investigation into PKB, which it opened in 2018, found that PKB had not adequately identified and verified the identity of the beneficial owner of assets deposited in relation to certain client relationships opened at its Lugano branch, and failed to clarify the circumstances and purpose of the transactions made and to verify that the transactions were not suspicious. See *ibid*.

[70] Eurojust, 'Agreements on cooperation' <https://www.eurojust.europa.eu/states-and-partners/third-countries/agreements-cooperation>.

[71] Eurojust, 'JITs Network' <https://www.eurojust.europa.eu/judicial-cooperation/practitioner-networks/jits-network#:~:text=Eurojust%20promotes%20and%20supports%20the,well%20as%20hosting%20the%20Secretariat..>

[72] Eurojust, 'Joint Investigation Teams: Practical Guide' [2021] <https://www.eurojust.europa.eu/publication/jits-practical-guide>.

[73] Most commonly Article 20 of the Second Additional Protocol to the Council of Europe Convention on Mutual Assistance in Criminal Matters 1959. See also CPS, 'Joint Investigation Teams' (10 March 2020) <https://www.cps.gov.uk/legal-guidance/joint-investigation-teams#:~:text=is%20taking%20place.-,Legal%20Framework,Mutual%20Assistance%20in%20Criminal%20Matters>.

[74] Eurojust, 'Fourth JITs Evaluation Report' [2023] <https://www.eurojust.europa.eu/publication/fourth-jits-evaluation-report>.

[75] 'Coordinated anti-Mafia action in Switzerland and Italy' (n. 67) 13.

[76] Eurojust, 'Over EUR 4 million seized from Italian organised crime' (28 June 2022) <https://www.eurojust.europa.eu/news/over-eur-4-million-seized-italian-organised-crime#:~:text=Supported%20by%20Eurojust%2C%20authorities%20in,EUR%204%20million%20were%20seized>.

[77] Eurojust, 'Over 100 searches and four arrests in Latvia, Germany, France, Italy and Malta against financial institution involved in money laundering' (21 February 2024)

<https://www.eurojust.europa.eu/news/over-100-searches-and-four-arrests-latvia-germany-france-italy-and-malta-against-financial-institution>.

[78] European Scrutiny Committee, 'Money-laundering: powers of the European Banking Authority' (HC 2018-10 (a) (40057), 12111/18, COM(2018) 646; (b) (40058), 12108/18, COM(2018) 645) <https://publications.parliament.uk/pa/cm201719/cmselect/cmeuleg/301-xl/30107.htm>.

[79] European Banking Authority, 'EBA publishes final revised Guidelines on money laundering and terrorist financing risk factors' (1 March 2021) <https://www.eba.europa.eu/publications-and-media/press-releases/eba-publishes-final-revised-guidelines-money-laundering-and-terrorist-financing>.

[80] European Movement Ireland, 'The EU's New Anti-Money Laundering Authority' (February 2024) <https://www.europeanmovement.ie/eu-new-anti-money-laundering-agency/>.

[81] European Parliament, 'New EU measures against money laundering and terrorist financing' (28 March 2023) <https://www.europarl.europa.eu/news/en/press-room/20230327IPR78511/new-eu-measures-against-money-laundering-and-terrorist-financing>.

[82] Council of Europe, 'MONEYVAL in brief' <https://www.coe.int/en/web/moneyval/moneyval-brief>.

# pillsbury

**Audrey Koh**  
**Amanda Phay**

audrey.koh@pillsburylaw.com  
amanda.phay@pillsburylaw.com

<https://www.pillsburylaw.com/en/>

Read more from this firm on GIR