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# Multilateral Memorandum of Understanding on cooperation and exchange of information

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This Multilateral Memorandum of Understanding (MMoU) has been reached

BETWEEN:

The Authority for Anti-Money Laundering and Countering the Financing of Terrorism (AMLA), with its seat in Frankfurt, Germany

AND

The European Banking Authority (EBA), with its seat in Paris, France;

The European Insurance and Occupational Pensions Authority (EIOPA), with its seat in Frankfurt, Germany and

The European Securities and Markets Authority (ESMA), with its seat in Paris, France,

Hereinafter collectively referred to as the European Supervisory Authorities ('ESAs') and collectively with the AMLA the 'Authorities'.

WHEREAS:

The Regulation (EU) No 2024/1620<sup>1</sup> (AMLA Regulation) and in particular Article 91 thereof stipulates that the AMLA shall establish and maintain close cooperation with the ESAs, in particular when developing draft regulatory or implementing technical standards, guidelines or recommendations within the remit of their respective tasks, and that a memorandum of understanding between the AMLA and the ESAs setting out how they intend to cooperate in the performance of their tasks under Union law should be concluded in this regard,

THE AUTHORITIES HAVE REACHED THE FOLLOWING UNDERSTANDING:

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<sup>1</sup> Regulation (EU) 2024/1620 of the European Parliament and of the Council of 31 May 2024 establishing the Authority for Anti-Money Laundering and Countering the Financing of Terrorism and amending Regulations (EU) No 1093/2010, (EU) No 1094/2010 and (EU) No 1095/2010 (OJ L, 2024/1620, 19.6.2024).

## **Article 1 – Definitions**

For the purposes of this MMoU:

- (a) ‘Authorities’ means the signatories to this MMoU;
- (b) ‘Laws and Regulations’ means,
  - i. in relation to the AMLA, applicable European Union legislation within the AMLA’s scope of action as set out in Article 1(2) of Regulation (EU) 2024/1620 of the European Parliament and of the Council of 31 May 2024 establishing the Authority for Anti-Money Laundering and Countering the Financing of Terrorism and amending Regulations (EU) No 1093/2010, (EU) No 1094/2010 and (EU) No 1095/2010,
  - ii. in relation to the EBA, applicable European Union legislation within EBA’s scope of action as set out in Article 1(2) and (3) of Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC, as well as any other Union act which sets out rights or obligations for EBA,
  - iii. in relation to the EIOPA, applicable European Union legislation within EIOPA’s scope of action as set out in Article 1(2) and (3) of Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC, as well as any other Union act which sets out rights or obligations for EIOPA,
  - iv. in relation to the ESMA, applicable European Union legislation within ESMA’s scope of action as set out in Article 1(2) and (3) of Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC as well as any other Union act which sets out rights or obligations for ESMA.
- (c) ‘Rules of Procedures’ means any rules adopted by the bodies of the ESAs and the AMLA in order to provide practical arrangements for the functioning of the Authorities’ internal bodies.

## **Article 2 - Purpose and key principles**

1. The purpose of this MMoU is to set out the framework for cooperation and exchange of information - including the related practical arrangements - between the AMLA and the ESAs, in order to ensure efficient, effective and timely cooperation between them in the performance of their respective tasks under Union law.
2. The Authorities cooperate with each other in accordance with the duty of sincere cooperation enshrined in the Treaties. In the exercise of their respective powers and within the scope of sectoral legislation as provided for in their respective Laws and Regulations, the Authorities cooperate

closely in areas relating to anti-money laundering (AML) and the countering of terrorist financing (CFT) and exchange information in a timely manner, within their respective mandates and when developing draft regulatory or implementing technical standards, guidelines or recommendations.

### **Article 3 – Legal nature**

This MMoU is a statement of intent between the Authorities and does not constitute a legally binding or legally enforceable agreement. In particular, it does not: (a) create any rights or obligations for any of the Authorities or third parties; (b) modify or supersede any laws, regulations and requirements in force or applying to the Authorities; or (c) affect any arrangement under other Memoranda of Understanding.

### **Article 4 - Representation at the Board meetings, Committees and their sub-structures**

1. Representatives nominated by the ESAs are invited to attend the meetings of the AMLA's General Board in supervisory composition, and a representative nominated by the AMLA is invited to attend the meetings of the Board of Supervisors of the ESAs as observers, when matters within the scope of the Authorities' respective mandates are discussed, without the right to vote.
2. For the purpose of attending meetings of the ESAs' Board of Supervisors or of the AMLA's General Board in supervisory composition, the relevant Authorities inform each other of the annual schedule of meetings of their respective Boards. Closer to the scheduled meeting dates, the Authorities provide each other with the draft agendas (without however mention of any discussions to be held relating to individual obliged entities). In case of invitation, the hosting Authority provides the meeting documentation for the items which any of the other Authorities are invited to attend at the same time as the documentation is sent to the Members.
3. The AMLA invites a representative of each of the ESAs to participate as an observer in its Standing Committees, or temporary Committees reporting to the General Board, or their substructures (including working groups) in case the mandate of any such committee or substructure is relevant for the tasks and responsibilities of the relevant Authority.
4. Each of the ESAs invites a representative of the AMLA to participate as an observer in its Standing Committees, or temporary Committees or their substructures (including working groups) established by the ESAs in case the mandate of any such committee or substructure is relevant for the tasks and responsibilities of the AMLA.
5. Each Authority is responsible for its own expenses related to the participation in the meetings, unless otherwise agreed to in writing by the Authorities.

## **Article 5 – Contact points**

Each Authority nominates a member of staff as a contact point to facilitate communication and coordination in the framework of institutional representation.

## **Article 6 – Regular exchange of information in common areas of interest**

1. In support of their common legal objectives to protect the public interest, the stability and integrity of the Union's financial system, and the proper functioning of the internal market, the Authorities agree to exchange all information that may be necessary to the effective discharge of their respective functions as set out in the Laws and Regulations.
2. The Authorities consider that information relevant to the performance of their respective functions includes, but is not limited to, information related to the impact of money laundering/terrorist financing (ML/TF) risks on an institution's financial soundness, solvency and/or conduct, the impact of prudential and/or conduct risks on an institution's ability to comply with its AML/CFT obligations, and/or wider financial stability issues. Such information also includes regulatory developments that may interact with the tasks of one or more of the Authorities. The Authorities commit to informing each other of situations where a joint action may be necessary to address specific issues comprehensively and effectively.
3. For the exercise of the AMLA's supervisory tasks and in relation to the obliged entities in the financial sector under the AMLA's remit, the ESAs share with the AMLA at least information that gives the ESAs reasonable grounds to suspect that ML/TF has been or is being committed or attempted, or there is an increased risk thereof involving a credit or financial institution, financial market participant, or critical third party provider within the remit of the respective Authority, as applicable; information related to a business activity, model, or change to it, or related to authorisation procedures, assessments of acquisitions of qualifying holdings, fit and proper assessments and procedures related to the withdrawal of licences that suggests heightened ML/TF risk; information related to shortcomings in AML/CFT governance or internal controls within an institution, participant or third parties that may affect compliance with the EU AML/CFT framework. When communicating such information to the AMLA, the ESAs will take into account Article 11(4) of the AMLA Regulation and the regulatory technical standards on format, procedures and timelines to be issued under Article 11(6) of the AMLA Regulation.
4. For the exercise of the ESAs supervisory or convergence tasks or, where relevant, oversight tasks, in particular in relation to critical third-party providers in the ESAs' remit under DORA or, in the case of the EBA and ESMA financial entities under MiCA, the AMLA shares AML/CFT related information with the relevant ESA(s), where applicable, at least in situations where the information may have an impact on the safety and soundness of a credit or financial institution, financial market participant or critical third party provider, and the safe and prudent conduct of their business. When communicating such information to the ESAs, the AMLA will take into account Article 1(2) of the

AMLA Regulation and the regulatory technical standards on format, procedures and timelines to be issued under Article 11(6) of the AMLA Regulation.

### **Article 7 – Ad-hoc exchange of information**

1. The Authorities may address reasoned and detailed requests for accessing information on an ad-hoc basis, if deemed relevant and necessary for the exercise of their respective tasks.
2. The relevant Authority receiving such request assesses the request and provides the relevant information on a need-to-know and confidential basis and in a timely manner.
3. Where the relevant Authority decides not to provide the requested information, it provides a reasoned justification for that decision.

### **Article 8 - Cooperation in the development of legal and policy instruments of common interest**

1. The Chairs of the Authorities hold regular meetings, either jointly or bilaterally, at least twice a year, to discuss their Authorities' priorities and seek opportunities for collaboration, as well as to update each other on relevant topics and deliverables.
2. The Authorities communicate to each other their respective interests, views and expectations regarding relevant topics either during the regular or ad-hoc meetings or through other communication channels.
3. Where one of the Authorities identifies a policy instrument or a topic connected to the area of competence of another Authority, the Authorities inform each other in advance and where applicable, consult each other and seek to ensure consistency of approaches.
4. Where any Authority has concerns or objections relating to a relevant topic or deliverable, it shares those with the other Authorities without delay.
5. When instruments or topics that are relevant for either of the Authorities are discussed at Board level, the views of the other Authorities are communicated to the respective Boards.
6. For the purpose of developing joint instruments or where consultations are required by law, the Authorities aim to allocate adequate resources and sufficient time to collaborate, provide input and prepare the relevant instrument. To ensure the delivery of joint instruments, each relevant Authority nominates a member of staff as a contact point for the purpose of the collaboration.

### **Article 9 - Confidentiality**

1. The Authorities are bound by the professional secrecy regime established in their respective Laws and Regulations and may not disclose any confidential information, document or other material exchanged in the framework of this MMoU to third parties unless allowed or required by the Laws and Regulations.

2. Where disclosure of confidential information has been made pursuant to the Laws and Regulations, the originating Authority is to be informed.
3. Any confidential information exchanged by the Authorities under this MMoU will be used only for the exercise by the parties of their respective tasks and duties under the Laws and Regulations. Information exchange under Article 6 and 7 will be carried out through tools ensuring security and confidentiality of the information.

### **Article 10 – Personal Data Protection**

The Authorities process any personal data contained in the information exchanged under this MMoU in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council. Personal data shall be processed solely for the legitimate performance of tasks within the competence of the Authorities.

### **Article 11 - Knowledge exchange**

The Authorities recognise that it is of mutual interest to exchange general information relating to their respective fields of competence, including in the context of trainings, conferences and workshops. Each Authority may invite staff members of the other Authorities on a case-by-case basis to join such knowledge exchange sessions. Each Authority covers its own expenses incurred in relation to such sessions.

### **Article 12 - Settlement of disputes**

Any disagreement between the Authorities concerning the interpretation or application of this MMoU or its performance is settled, if possible, in an amicable and equitable manner through direct negotiations between the relevant units and responsible persons. If a disagreement cannot be solved at that level, the Chairs of the respective Authorities endeavour to resolve the outstanding disagreement.

### **Article 13 - Review and amendment**

1. The Authorities may review the functioning and effectiveness of cooperation and information exchange under this MMoU every two years or earlier when deemed necessary by them.
2. Any amendment to this MMoU requires the mutual consent of Authorities and is done in writing unless otherwise agreed upon. The amendment comes into effect on the date on which it is signed by all Authorities.

#### **Article 14 - Publication**

This MMoU is published on the websites of the AMLA and the ESAs.

#### **Article 15 - Effect and termination**

1. This MMoU comes into effect on the date it has been signed by all Authorities and has effect until terminated by any one of the Authorities. The remaining Authorities may agree to maintain the MMoU by separate confirmation through an exchange of letters.
2. Each Authority may terminate this MMoU at any time by giving thirty (30) calendar days prior written notice to the other Authorities. If the MMoU is terminated by an Authority, steps are taken to ensure that the termination does not affect any prior obligation, project or activity already in progress.
3. Termination of this MMoU does not affect obligations under this MMoU relating to confidentiality of information, which continue to have effect, nor does it affect obligations regarding cooperation and exchange of information between the Authorities under applicable laws.

#### **Article 16 – No exclusivity**

This MMoU does not preclude the ESAs from entering individually into separate Memoranda of Understanding with the AMLA for the purpose of addressing matters not specifically addressed in this MMoU and that may be beneficial to their respective mandates and objectives.

Signed at Frankfurt and Paris on 27 June 2025 in four original copies each in the English language and signed by the Chairs of the Authorities.