

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by the Beschwerdekommision der Finanzmarktaufsicht dated 30 October 2015 in the case B v Finanzmarktaufsicht (FMA)

(Case E-27/15)

A request has been made to the EFTA Court by a letter dated 30 October 2015 from the Beschwerdekommision der Finanzmarktaufsicht (Appeals Board of the Financial Market Authority), which was received at the Court Registry on 16 November 2015, for an Advisory Opinion in the case B v Finanzmarktaufsicht (FMA) on the following questions:

- 1. Must Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing be interpreted as meaning that ‘trust and company service providers’, within the meaning of Article 2(1)(3)(c) and point (7)(b) of Article 3 of that Directive, are subject to the obligation to obtain information on the purpose and intended nature of the business relationship as specified in Article 8(1)(c) and Article 9(6) of the Directive solely in accordance with the legislation of the Member State in which they are established (in welchem [der Dienstleister für Trusts und Gesellschaften] seinen rechtlichen Sitz hat)?**
- 2. If Question 1 is answered in the negative: What criteria must be used to determine whether ‘trust and company services providers’ are under the obligation to obtain information on the purpose and intended nature of the business relationship as specified in Article 8(1)(c) and Article 9(6) of the Directive in accordance with the legislation of another Member State?**
- 3. Do the answers to Questions 1 and 2 also apply where the company for which administrative services are provided is a company not incorporated in a Member State?**