



EUROPEAN COMMISSION

Brussels 25 March 2024  
SJ.A(2024)2585457

**TO THE PRESIDENT AND MEMBERS OF THE EFTA COURT**

**WRITTEN OBSERVATIONS**

submitted pursuant to Article 20 of the Statute of the EFTA Court by the

**EUROPEAN COMMISSION**

represented by Gregor von Rintelen, legal adviser, and Julie Samnadda, member of its Legal Service, with a postal address for service in Brussels at the Legal Service, Greffe Contentieux, BERL 1/169, 200 Rue de la Loi B-1049 Brussels.

**in Case E-1/24**

concerning an application submitted pursuant to Article 34 of the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice by the Administrative Court of the Principality of Liechtenstein in the case of

Ms TC

**Appellant**

v

Office of Justice

**Defendant**

requesting an advisory opinion regarding the interpretation of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (AMLD).

## 1. INTRODUCTION

1. This request for an advisory opinion (Request) concerns the interpretation of the AMLD by the Administrative Court of Liechtenstein (the Requesting Court). The national proceedings concern an administrative appeal to the Requesting Court by a natural person, Ms TC. Ms TC has appealed to the Requesting Court against a refusal by the competent authority, the Office of Justice, Foundation Supervision and Anti-Money Laundering Division (Office of Justice) to provide Ms TC with information about herself and other natural persons held on the central register of beneficial ownership. The relevant competent authorities are required to establish a central register and provide access under certain condition laid down in the EU's anti-money laundering legislation.
2. Although the Requesting Court seeks an interpretation of the AMLD as amended by Directive (EU) 2018/843, that amending directive has not yet been incorporated into EEA law<sup>1</sup>. Whilst the relevant Joint Committee Decision has been adopted, it has not entered into force. The EFTA States notified constitutional requirements under Article 103 EEA and although the requirements of Iceland and Liechtenstein have been met, Norway has not yet taken the necessary measures to do so.
3. This Court has held that where a directive has not been incorporated into the EEA Agreement, there is no obligation in the EEA to apply the provisions laid down in that directive. See by analogy, *E-10/17 Nye Kystlink AS*, paragraph 73. Therefore, as of now, there is no obligation in the EEA to apply the provisions laid down in the amending Directive (EU) 2018/843. In the light of this Court's case law, this means that the Request should be considered under the AMLD<sup>2</sup> which is incorporated into the EEA Agreement.

---

<sup>1</sup> [Publications Office \(efta.int\)](https://www.efta.int/publications-office)

<https://www.efta.int/eea-lex/32018L0843https://www.efta.int/sites/default/files/documents/legal-texts/eea/other-legal-documents/list-of-constitutional-requirements/list-of-constitutional-requirements.pdf>

<sup>2</sup> Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC.

4. However, pending incorporation in the EEA legal order, the provisions of the amending Directive (EU) 2018/843 have already been introduced by Liechtenstein in its national law. In this respect (and only in this respect), the situation in the Liechtenstein national law is similar to the situation in two pending cases where the judgments of this Court are awaited namely E-13/22 and E-1/23<sup>3</sup>.
5. Accordingly, the Commission will adopt the same approach to the relevant national law as it has taken in its written observations in case E-1-23 and at the hearing in Case E-13/22.
6. In any event, the text of the relevant provision on which an advisory opinion is sought - Article 30(5) (c) - is now the same under both the AMLD and the Directive (EU) 2018/843. This follows the judgment of the Grand Chamber in Joined Cases C-37/20 (WM) and C-601/20 (*Sovim*)<sup>4</sup>.
7. Therefore, for the purposes of the national proceedings, there is no material difference between the directives. The Commission is of the view that the same result would be achieved whether one applies the AMLD with or without the amendment by Directive (EU) 2018/843.

## 2. THE RELEVANT LAW

### 2.1. EEA Law

*Recital (14) The need for accurate and up-to-date information on the beneficial owner is a key factor in tracing criminals who might otherwise hide their identity behind a corporate structure. Member States should therefore ensure that entities incorporated within their territory in accordance with national law obtain and hold adequate, accurate and current information on their beneficial ownership, in addition to basic information such as the company name and address and proof of incorporation and legal ownership. With a view to enhancing transparency in order to combat the misuse of legal entities, Member States should ensure that beneficial ownership information is stored in a central register located outside the company, in full compliance with Union law.*

<sup>(3)</sup> <https://eftacourt.int/cases/e-1322/> and <https://eftacourt.int/cases/e-1-23-elva-dogg-sverrisdottir-and-olafur-viggo-sigurdsson-v-islandsbanki-hf/>

<sup>(4)</sup> Judgment of 22 November 2022 <https://curia.europa.eu/juris/liste.jsf?num=C-37/20&language=en>; for more details see points 28 to 33 below.

*Member States can, for that purpose, use a central database which collects beneficial ownership information, or the business register, or another central register. Member States may decide that obliged entities are responsible for filling in the register. Member States should make sure that in all cases that information is made available to competent authorities and FIUs and is provided to obliged entities when the latter take customer due diligence measures. Member States should also ensure that other persons who are able to demonstrate a legitimate interest with respect to money laundering, terrorist financing, and the associated predicate offences, such as corruption, tax crimes and fraud, are granted access to beneficial ownership information, in accordance with data protection rules. The persons who are able to demonstrate a legitimate interest should have access to information on the nature and extent of the beneficial interest held consisting of its approximate weight.*

The AMLD provides:

#### *Article 30*

*1. Member States shall ensure that corporate and other legal entities incorporated within their territory are required to obtain and hold adequate, accurate and current information on their beneficial ownership, including the details of the beneficial interests held.*

*Member States shall ensure that those entities are required to provide, in addition to information about their legal owner, information on the beneficial owner to obliged entities when the obliged entities are taking customer due diligence measures in accordance with Chapter II.*

*2. Member States shall require that the information referred to in paragraph 1 can be accessed in a timely manner by competent authorities and FIUs.*

*3. Member States shall ensure that the information referred to in paragraph 1 is held in a central register in each Member State, for example a commercial register, companies register as referred to in Article 3 of Directive 2009/101/EC of the European Parliament and of the Council [<sup>\(31\)</sup>](#), or a public register. Member States shall notify to the Commission the characteristics of those national mechanisms. The information on beneficial ownership contained in that database may be collected in accordance with national systems.*

*4. Member States shall require that the information held in the central register referred to in paragraph 3 is adequate, accurate and current.*

*5. Member States shall ensure that the information on the beneficial ownership is accessible in all cases to:*

- (a) competent authorities and FIUs, without any restriction;*
- (b) obliged entities, within the framework of customer due diligence in accordance with Chapter II;*
- (c) any person or organisation that can demonstrate a legitimate interest.*

*The persons referred to in point (c) shall be permitted to access at least the name, the month and year of birth and the country of residence and nationality of the beneficial owner as well as the nature and extent of the beneficial interest held.*

*For the purposes of this paragraph, access to the information on beneficial ownership shall be in accordance with data protection rules and may be subject to online registration and to the payment of a fee. The fees charged for obtaining the information shall not exceed the administrative costs thereof. [...]*

## **2.1. National Law**

8. The relevant provisions of national law are set out in the Request for an Advisory Opinion.

## **3. FACTS AND PROCEDURE**

9. In March 2023, the appellant, a Malaysian resident, made a request to the Office of Justice in order to find out in relation to which legal entities she and/or her brother and/or her father and/or another named person were registered as the beneficial owners. Her request was forwarded to the register of beneficial ownership (the VwbP) which decides on requests for disclosure concerning non-unattached legal entities <sup>5</sup>. This request was denied on the grounds that the request must identify the names of the firm or the specific legal entities whose data are to be disclosed, pursuant to Article 17 of the Act of 3 December 2020 on the Register of Beneficial Owners of Legal Entities (VwbPG).
10. The Office of Justice also refused the request insofar as it concerned unattached legal entities, on the grounds that the relevant EEA law, which is cited as Article 30(5) of the ‘Money Laundering Directive’ limits access to information on the name, year and place of birth, and residence of the beneficial owner, as well as the nature and extent of the beneficial interest held. Therefore, it could not be concluded that an applicant had the right to be provided with the name of the entity or entities in which particular persons have a beneficial interest.

---

<sup>5</sup> As per the definition of Beneficial Owners under Article 2 of the unofficial English translation of the Ordinance on the Register of Beneficial Owners of Legal Entities, the Commission understands that ‘unattached legal entities’ are the equivalent of ‘corporate or other legal entities’, while non-unattached legal entities are similar to ‘other legal entities’ i.e. ‘legal arrangements’ such as trusts. [VwbPV\\_EN \(llv.li\)](#)

11. An appeal before the Board of Appeal for Administrative Measures against both decisions was refused. An appeal was subsequently made to the Administrative Court.
12. In her appeal, the appellant argues that the data requested will facilitate an ongoing criminal investigation in India, noting that business assets may have been diverted from her family's assets through business offshore structures unknown to the appellant. The appellant contests the compatibility of the national law and claims that the name of the entity is not a requirement under Articles 30 and 31 read in the light of recitals 25-36 of the relevant 'Anti Money Laundering Directive without specifying which directive applied.
13. The Board of Appeal held in its decision that the register of beneficial owners was set up for the purpose of preventing money laundering and terrorist financing. The data held on the register pertains to beneficial owners of corporate and other legal entities, foundations and trusts and that "the persons at issue are the natural persons in whose ownership or under whose control a legal entity ultimately stands". The Board of Appeal referred to the judgment *Sovim*. In the light of that judgment, the Board of Appeal reasoned that consultation of the register is not intended to allow an unrestricted insight to be gained into the beneficial register.
14. In the light of the arguments before it, the Requesting Court decided to seek an opinion on the following question:

*Must Directive (EU) 2015/849, as amended by Directive (EU) 2018/843, be interpreted as meaning that it precludes a national provision according to which the request of a domestic or foreign person or organisation for disclosure of the data entered in the register of beneficial owners on legal entities must include the naming of the firm name or name of the legal entity whose data are to be disclosed?*

#### 4. LEGAL ARGUMENT

15. In essence, the Requesting Court is asking whether Article 30 (5) (c) of the AMLD is to be interpreted as precluding national legislation which denies access to information held on the beneficial register where the person requesting access does not name the corporate or other legal entity concerned but only names or identifies natural persons in the request.
16. In order to determine whether the AMLD precludes national legislation from requiring requests to access beneficial ownership information to identify the name of the corporate or other legal entity on which information is sought, the Commission will consider the text of Article 30 in the light of the aim and objective of that provision in the context of the AMLD.
17. Where relevant, the Commission will also draw upon the reasoning of the Court in *Sovim* insofar as it can also be applied to the present case.

#### Article 30 of the AMLD

18. Article 30 of the AMLD requires Member States to maintain and provide access to information on the beneficial ownership of corporate and other legal entities, which must be held in a central register.
19. The principal obligation with respect to beneficial ownership is provided for in Article 30(1) and is addressed to “*corporate and other legal entities incorporated within their territory [which] are required to obtain and hold adequate, accurate and current information on their beneficial ownership* ,”. Recital 14 also states that “[t]he need for accurate and up-to-date information on the beneficial owner is a key factor in tracing criminals who might otherwise hide their identity behind a corporate structure. Member States should therefore ensure that entities incorporated within their territory in accordance with national law obtain and hold adequate, accurate and current information on their beneficial ownership, in addition to basic information such as the company name and address and proof of incorporation and legal ownership.”
20. Therefore, it is already apparent from the text that Article 30 read in the light of Recital 14 that the obligation to hold such information is placed on the corporate

and other legal entities. It follows that the information on the central register of beneficial ownership is submitted by reference to the corporate and legal entity, which is obliged to provide such information on its beneficial ownership.

21. Article 30 (3) of the AMLD requires the “*information referred to in paragraph 1 [to be] held in a central register in each Member State,*”
22. Article 30(5) of the AMLD requires information to be made available to three categories of persons.
23. Under (a), competent authorities and Financial Intelligence Units may access information “*without any restriction*”. Access by competent authorities is subject to a different, broader access regime which grants them unrestricted access to information in the beneficial register. Such unrestricted access is necessary for the purposes of carrying out their investigative, prosecutorial or analytical functions.
24. Under (b), obliged entities may access information “*within the framework of customer due diligence in accordance with Chapter II*’.”
25. The third category in (c) concerns persons that can demonstrate a legitimate interest. This provision is required to be read in the light of Recital 14 which states that the “*persons who are able to demonstrate a legitimate interest with respect to money laundering, terrorist financing, and the associated predicate offences, such as corruption, tax crimes and fraud, are granted access to beneficial ownership information, in accordance with data protection rules.*”
26. The notion of “legitimate interest” is not defined in the AMLD. However, Recital 14 clearly indicates that only persons that can “*demonstrate a legitimate interest with respect to money laundering, terrorist financing, and the associated predicate offences, such as corruption, tax crimes and fraud, [should be] granted access to beneficial ownership information*”. Hence, access is restricted to persons that show a legitimate interest with respect only to the categories of behaviour which are exhaustively enumerated in Recital 14. This is entirely consistent with the objective of the AMLD under Article 1(1), which is “*to prevent the use of the Union’s financial system for the purposes of money laundering and terrorist financing.*”



Legislative changes to Article 30 (5) and the Sovim judgment

27. Directive (EU) 2018/843 amended the AMLD and amendments were introduced to the text of Article 30.
28. Article 1(15)(c) of Directive (EU) 2018/843 required information on the beneficial ownership of legal entities held in central registers to be made accessible in all cases by any member of the general public. It removed from Article 30 (5) (c) the condition of demonstration of a legitimate interest. The aim of the deletion was to broaden access in order to enable members of the public to access to information on beneficial ownership in the central register. The last paragraph of Article 30(5) was deleted.
29. In *Sovim*, the Court of Justice declared the amendment of Article 30(5) (c) by Directive (EU) 2018/843 to be invalid. The operative part of the judgment reads:

*“Article 1(15)(c) of Directive (EU) 2018/743 [...], is invalid in so far as it amended point (c) of the first subparagraph of Article 30(5) of Directive (EU) 2015/849 [...] in such a way that point (c) of the first subparagraph of Article 30(5), as thus amended, provides that Member States must ensure that information on the beneficial ownership of companies and of other legal entities incorporated within their territory is accessible in all cases to any member of the general public.*

Application to the present case

30. The Court’s reasoning in *Sovim* is relevant to understanding how to apply Article 30(5) (c) in the context of the present proceedings.
31. For the purposes of this case, the AMLD in its unamended version is to be applied. This means that access to beneficial ownership information of legal entities by the public is conditional upon the demonstration of a legitimate interest, in accordance with Article 30(5) (c).
32. The judgment of *Sovim* sheds light on the application of that provision of the AMLD insofar as the Court regretted its amendment and the move towards a regime of broader access. The facts in both cases in *Sovim* concerned requests by corporate entities requesting that access to the information concerning its respective beneficial owners contained in the relevant registers, be restricted solely to the entities mentioned in that provision. Both requests were refused in the interests of greater

transparency brought about by the amendment of Article 30(5) (c) and this was challenged by the applicants in *Sovim*.

33. According to the Court, it is not sufficient for the provision of access to beneficial ownership information to be intended for and/or to contribute to the attainment of the objective provided for in Article 1(1). Access to beneficial ownership information should be granted only insofar as it is strictly necessary to prevent money laundering and terrorist financing. In holding that Article 30(5) (c) should not have been amended by the legislature when it introduced Directive (EU) 2018/843, the Court applied a strict test for access to the central register for persons in that category. See *Sovim*, paragraph 75.
34. At *Sovim*, paragraph 58, the Court explains the legislator's intention of preventing money laundering and terrorist financing by creating an environment less likely to be used for those purposes:

*'It follows that, by providing for the [general public's] access to information on beneficial ownership, the EU legislature seeks to prevent money laundering and terrorist financing by creating, by means of increased transparency, an environment less likely to be used for those purposes.'*

35. In that context, in paragraphs 60 to 62, the Court emphasises that:

*'60 In so far as the Council of the European Union also refers, in that context, expressly to the principle of transparency, as follows from Articles 1 and 10 TEU and from Article 15 TFEU, it should be noted that that principle, as the Council itself states, enables citizens to participate more closely in the decision-making process and guarantees that the administration enjoys greater legitimacy and is more effective and more accountable to the citizen in a democratic system (judgment of 9 November 2010, Volker und Markus Schecke and Eifert, C-92/09 and C-93/09, EU:C:2010:662, paragraph 68 and the case-law cited).*

*61 While, in that respect, the principle of transparency is given concrete expression primarily in the requirements of institutional and procedural transparency covering activities of a public nature, including the use of public funds, such a link with public institutions is lacking where, as in the present case, the measure at issue is intended to make available to the general public data*

*concerning the identity of private beneficial owners and the nature and extent of their beneficial interests held in companies or other legal entities.*

62 *Accordingly, the principle of transparency, as it results from Articles 1 and 10 TEU and from Article 15 TFEU, cannot be considered, as such, an objective of general interest capable of justifying the interference with the fundamental rights guaranteed in Articles 7 and 8 of the Charter, which results from the general public's access to information on beneficial ownership.'*

36. Similarly, at *Sovim* paragraph 67, the Court states that:

*'In the first place, it must be held that the [general public's] access to information on beneficial ownership is appropriate for contributing to the attainment of the objective of general interest, identified in paragraph 58 above, of seeking to prevent money laundering and terrorist financing, since the public nature of that access and the increased transparency resulting therefrom contribute to the creation of an environment less likely to be used for such purposes.'*

37. It follows from the reasoning of the Court that the legitimate interest which must be demonstrated by a person seeking information should be for a reason related to the objective of the directive. Therefore, a legitimate interest in terms of the AMLD should be demonstrated by strict reference to the fight against money laundering, terrorist financing and its predicate offences.

38. It is not for the Commission to assess whether the appellant had a legitimate interest to obtain access to beneficial ownership information in terms of Article 30(5)(c) of the AMLD, and in any event, regardless of whether the appellant could demonstrate a legitimate interest to access beneficial ownership information in the light of the objective of the AMLD read in the light of Recital 14, one would still need to determine whether Article 30(5)(c) of the AMLD should be interpreted as enabling access to information on the beneficial ownership of corporate and other legal entities only on the basis of named individual. If that is the case, then as argued before the Requesting Court, this would call into question the compatibility of the national law with the AMLD, as it would preclude national legislation from requiring a request to be accompanied by the name of a specific corporate or other legal entity.

39. In that context, given the fact that access to the beneficial ownership register constitutes an interference with the right of privacy of the individuals concerned, such interference must be provided for by law and it must be limited to what is strictly necessary.
40. It is important to note that the goal of ensuring transparency should not be understood as allowing the broad availability of and access to information concerning individuals or corporate structures in a wide manner.
41. Here again, the judgment in *Sovim* emphasises the consequences of a broad access to information on the identity of the beneficial owner. At *Sovim*, paragraphs 41 and 42, in assessing the scope of Article 30 (5) (c) albeit in the context of the Charter, the Court stated:

*“41 [...]it is important to note that, in so far as the information made available to the general public relates to the identity of the beneficial owner as well as to the nature and extent of the beneficial interest held in corporate or other legal entities, that information is capable of enabling a profile to be drawn up concerning certain personal identifying data more or less extensive in nature depending on the configuration of national law, the state of the person’s wealth and the economic sectors, countries and specific undertakings in which he or she has invested.*

*42 In addition, it is inherent in making that information available to the general public in such a manner that it is then accessible to a potentially unlimited number of persons, with the result that such processing of personal data is liable to enable that information to be freely accessed also by persons who, for reasons unrelated to the objective pursued by that measure, seek to find out about, inter alia, the material and financial situation of a beneficial owner (see, by analogy, judgment of 1 August 2022, Vyriausioji tarnybinės etikos komisija, C-184/20, EU:C:2022:601, paragraphs 102 and 103). That possibility is all the easier when, as is the case in Luxembourg, the data in question can be consulted on the internet.”*

42. It follows from the reasoning of the Court that there are two parts to the information made available on the register:
  - (a) the identity of the beneficial owner; and

(b) the nature and extent of the beneficial interest held in corporate or other legal entities.

43. However, it is only the identification of the specific corporate or other legal entity which can trigger the obtaining of information on both (a) the identity of the beneficial owner as well as to (b) the nature and extent of the beneficial interest held in corporate or other legal entities.
44. Accordingly, as the Court considered in *Sovim* that access given (emphasis added) should be limited to what is strictly necessary, it follows that in the view of the Commission, access sought (emphasis added) must be in relation to a named or identified corporate or other legal entity. The name of an individual would not suffice for triggering the request as the name of an individual does not in and of itself denote anything which is relevant to the register of beneficial ownership.
45. This interpretation is also consistent with the text of Article 30(5) which provides that such persons that show a legitimate interest shall be able access '*at least the name, the month and year of birth, the nationality and the country of residence of the beneficial owner as well as the nature and the extent of the beneficial interest held.*' The fulfilment of the request based on the identification of a named corporate or other legal entity would allow the identity of the beneficial owner to be made known and not the other way around.
46. This presupposes that information on the beneficial owner, including their identity, would only then be disclosed on the basis of:
  - (a) the demonstration of a legitimate interest related to the objective of the directive; and
  - (b) a request for access which names or identifies the corporate or other legal entity;
47. Article 30(5) (c) should not be applied in a way which facilitates a fishing expedition i.e. only on the basis of the submission of a request for beneficial ownership information which identifies the natural persons with a view thereafter to obtaining access to information on the corporate or other legal entities. In such circumstances, the need to know whether a named person holds or controls any corporate or other legal entity simply allows a profile to be built up "*on the state of*

*the person's wealth and the economic sectors, countries and specific undertakings in which he or she has invested*" as the Court reasoned in *Sovim*, paragraphs 41 and 42. That purpose is unrelated to the objective of the AMLD.

48. The centre of gravity of the deposit and availability of beneficial ownership information points towards the intended use of the information, which is to uncover the natural persons behind corporate or other legal entities and not the other way around i.e. it is not to uncover the corporate or other legal entities.
49. In the light of the above, the Commission submits that a request for access to information held in the beneficial ownership registers made by a person who can demonstrate a legitimate interest connected to the fight against money laundering and terrorist financing can only be made for the purposes of obtaining information on the beneficial owners of a named corporate or other legal entity. This means that a request must include the name of that corporate or other legal entity.

#### Data Protection Rules

50. The Commission notes that there are other acts of EEA law that grant persons the right to access information which could be applied to the information held in the beneficial ownership registers established pursuant to the AMLD.
51. The nature of the appellant's request points towards a personal scope and interest, rather than one that is strictly connected to the prevention of money laundering and terrorist financing. Consequently, it is worth assessing whether the appellant's request for information could be, instead, based on her own rights as a data subject to access her own personal data and information about the processing of her personal data pursuant to Article 15 of Regulation (EU) 2016/679 (the GDPR)<sup>6</sup>, which also has EEA relevance and applies to processing of personal data by a Union or EEA controller or processor irrespective of whether the data subject is located in the Union/EEA. The same could conceivably apply for the other members of the appellant's family mentioned in the original request in relation to these persons themselves accessing their own personal data. The relevant provision is Article 3(1) of the GDPR.

---

<sup>6</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance)

52. In such cases, the access to information would be regulated by the GDPR, rather than by the AMLD. Although the Commission does not propose to assess whether the request could have been based on the appellant's rights as a data subject, the Commission would like to make the following remarks.
53. First, Article 12(2) GDPR requires the controller to facilitate the exercise of the rights of the data subject under Articles 15 to 22 of the GDPR. Second, attention is drawn to the European Data Protection Board's Guidelines on the data subject's right of access<sup>7</sup> and as confirmed by the Court of Justice in Case C-307/22 FT<sup>8</sup>, paragraphs 38, 43, 47 and 50, a data subject is not required to specify the legal basis in its request nor can the controller refuse to provide the requested data in view of a lack of reference to the GDPR or the right of access.

## 5. CONCLUSION

54. The Commission respectfully proposes that the Question of the Administrative Court of the Principality of Liechtenstein be answered as follows:

*Article 30 (5) (c) of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC does not preclude national legislation which requires a person that demonstrates a legitimate interest connected to the fight against money laundering and terrorist financing to specify the name of the corporate or other legal entity when requesting access to information on beneficial ownership held in the central register.*

Julie SAMNADDA

Gregor VON RINTELEN

Agents of the Commission

---

<sup>7</sup> Guidelines 01/2022 on data subject rights - Right of access, 18 January 2022 [edpb\\_guidelines\\_012022\\_right-of-access\\_0.pdf](https://edpb.europa.eu/edpb_guidelines_012022_right-of-access_0.pdf) (europa.eu)

<sup>8</sup> Judgment - 26/10/2023 - <https://curia.europa.eu/juris/liste.jsf?num=C-307/22&language=en>