



An Roinn Dlí agus Cirt  
Department of Justice

# AMLCU Webinar

## Art Traders & Art Intermediaries

8<sup>th</sup> December 2021

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# Webinar Agenda

- Housekeeping
- Anti-Money Laundering Compliance Unit (AMLCU)
- AMLCU inspection process (Gerry Cronin, Regulatory Investigator)
- GoAML and potential risks in the art sector (Detective Sergeant Clodagh White, FIU)
- Suspicious transaction reporting to Revenue (Aisling Haughey, Revenue)
- Q&A session



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## Anti-Money Laundering Compliance Unit (AMLCU)

- Established in 2010
- One Principal Officer, One Assistant Principal Officer, Eight Regulatory Investigators and Admin Team
- Under s.108, the Minister has delegated the Minister's competent authority functions to PO and AP level in the AMLCU
- Blended approach to conducting inspections (offsite and onsite)
- Risk based approach to conducting inspections
- Full compliance, partial compliance or non-compliance



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## **Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 as amended**

- “Designated Persons” and “Competent Authorities”
- Obligations on designated persons to comply with provisions of law to ensure their business is not being used for money laundering and/or terrorist financing
- Obligation on competent authorities to supervise designated persons effectively to ensure they are fulfilling their obligations

Section	Obligation on the Designated Person
Section 30A	Documented Risk Assessment document - identify and assess the risks of money laundering and terrorist financing in relation to the business
Section 30B	Assessment of risk in relation to a customer or transaction in determining the measures to be applied in relation to customer due diligence
Section 33/33A/34A	Customer due diligence (CDD) - Identification and verification of customers and beneficial owners. Timing of CDD (prior to commencing relationship or carrying out transaction/service). Electronic Money Derogation provisions (where applicable.)
Section 35	Special measures applying to business relationships.
Section 36A	Examination of background and purpose of certain transactions
Section 37	Enhanced customer due diligence — politically exposed persons.
Section 38A	Enhanced CDD for high risk third countries
Section 39	Enhanced CDD in cases of heightened risk
Section 40	Reliance on other persons to carry out CDD
Section 42 & Section 49	Requirement for designated persons and related persons to report suspicious transactions and not to tip off or make a disclosure that could prejudice an investigation
Section 54	Internal policies and procedures and training
Section 55	Keeping of records by designated persons.



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## **Competent Authorities of Designated Persons for AML/CFT compliance**

- Regulated Financial Sector (Central Bank of Ireland)
- Designated Non-Financial Businesses and Professions (DNFBPs) (11 competent authorities)
- 8 competent authorities are “SRBs” “Self-Regulating Bodies”
- Other 3: Legal Services Regulatory Authority, Property Services Regulatory Authority, the Minister for Justice (AML/CFT Unit)

Designated Person	Competent Authority
Regulated Credit and Financial Institutions (including some TCSPs which are subsidiaries of regulated entities)	Central Bank of Ireland
Solicitors	Law Society of Ireland
Barristers	Legal Services Regulatory Authority (LSRA)
Accountants (including some TCSPs in specified circumstances)	7 designated accounting bodies
Property Service Providers	Property Services Regulatory Authority (PSRA)
<p>Any designated person who is not subject to supervision by another competent authority:</p> <ul style="list-style-type: none"> <li>- Dealers in High Value Goods (HVGDs)</li> <li>- Dealers in high value art works (art traders &amp; art intermediaries)</li> <li>- Trust or Company Service Providers (TCSPs) not otherwise supervised</li> <li>- Notaries</li> <li>- Tax Advisors &amp; External Accountants (not otherwise supervised)</li> <li>- Private Members' Clubs (Casinos), bookmakers, on-course gambling</li> </ul>	Minister for Justice (AMLUCU)



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# Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2021

- Came into force on 23/04/2021
- Transposed the EU's Fifth Anti-Money Laundering Directive (5AMLD) by
- Amending the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 as amended
- Resulting in the inclusion of art traders and intermediaries as a new category of designated persons

*(ib) a person trading or acting as an intermediary in the trade of works of art (including when carried out by an art gallery or an auction house) but only in respect of transactions of a total value of at least €10,000 (whether in one transaction or in a series of transactions that are or appear to be linked to each other),*