

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED
BY GERMANY**

ARTICLE 14 UNCAC

PREVENTION OF MONEY-LAUNDERING

GERMANY (SIXTH MEETING)

Germany has introduced a strong system to prevent -money laundering and combat - terrorist financing. Please refer in this regard to the mutual evaluation report of Germany <http://www.fatf-gafi.org/countries/di/germany/documents/mutualevaluationofgermany.html> which is based on an assessment of the Financial Action task Force (FATF). Concerning the last actions taken to strengthen the national AML/ CFT regime please refer to the 3rd follow-up report, published in June 2014 <http://www.fatf-gafi.org/countries/di/germany/documents/follow-up-report-germany-2014.html>

In addition to the preventive measures required by art. 14 Germany intends to further strengthen its AML regime by the following measures:

Germany will bring its criminal offence of money laundering in line with FATF Recommendation 1:

Germany has already started the legislative process to amend the Criminal Code and introduce a new sentence 2 in section 261, subsection (9). This amendment will allow to punish the perpetrator of the predicate offence while maintaining the constitutional ban on multiple punishments for the same crime.

Measures are under way to fulfil FATF's requirements to the criminalization of financing of terrorism:

The Ministry of Justice and Consumer Protection presented draft legislation at the beginning of 2015. This legislation will establish the financing of terrorism as a separate offence. The new draft will broaden the scope of the offence since it contains a catalogue of (predicate) offences as defined within the scope of Article 2 (1) and the treaties listed in the Annex of the International Convention for the Suppression of the Financing of Terrorism. Furthermore, the new offence no longer includes a threshold of "not unsubstantial assets" and thus is applicable to any collection and provision of funds with the intention that they should be used for terrorist acts, or in the knowledge that they are to be used for terrorist acts. Moreover, the conceivable maximum sentence for all financing offences has been stepped up considerably and is now 10 years of imprisonment.

Finally, Germany has initiated legislation to improve its provisions regarding transparency of bearer shares (FATF Recommendation 33):

In this respect, on 7 January 2015, the Federal Government concluded a proposal to legislative bodies to effectively enhance measures to prevent the misuse of bearer shares.

According to the draft legislation, bearer shares may be issued only if (1) the shares of the stock corporation are publicly listed or (2) if the shares have been immobilised. In the latter case, the law will require them to be held with a regulated financial institution or professional intermediary. If the stock corporation does not comply with these rules, the bearer shares will be treated as registered shares. It is expected that legislation will come into force within this year.

3. Do you require technical assistance in relation to the measures described above? If so, please specify the forms of technical assistance that would be required. In case you have received or are receiving technical assistance to implement these measures, please indicate so in your response.

No.