# Guidelines on the cooperation with the FIU

## Suspicious operations reports, requests for Information and freezing measures

Version 3.0 effective as of 15 September 2026

LA JUSTICE
Grand-Duché de Luxembourg

Cellule de renseignement financier (CRF)

These guidelines issued by the Financial Intelligence Unit (FIU) are intended for all professionals subject to the amended Law of 12 November 2004 on the fight against money laundering and terrorist financing. They replace the FIU guidelines of 6 January 2026 relating to suspicious operations reports and the guidelines of 6 January 2026 relating to freezing orders. These guidelines have been prepared solely for informational purposes. They do not constitute legal advice and do not in any way replace the applicable legislative or regulatory provisions governing these matters.

# Table of contents

# 1 Introduction

The amended Law of 12 November 2004, on the fight against money laundering and terrorist financing (hereinafter the "AML/CFT Law") requires that professionals, their directors (*dirigeants*, members of the authorized management) and employees (hereinafter "obliged entities" or "reporting entities" or "professionals") cooperate fully with the Luxembourg authorities responsible for combating money laundering and terrorist financing and with self-regulatory bodies, particularly in connection with the exercise of their respective supervisory powers conferred by the AML/CFT Law.

These guidelines specify the following obligations to cooperate with the Financial Intelligence Unit (hereinafter the "FIU") as provided for in the AML/CFT Law[1].

- The obligation to report to the FIU, also known as the obligation of active cooperation—Article 5(1)(a) of the AML/CFT Law,
- The obligation to reply to requests for information from the FIU, also known as the obligation of passive cooperation—Article 5(1)(b) of the AML/CFT Law,
- The obligation to execute the FIU's freezing orders—Article 5(3) of the AML/CFT Law.

They also address the rights and obligations of reporting entities and answer some frequently asked questions.

While based on the legislation currently in force, these guidelines also aim to prepare obliged entities for the new obligations arising from:

- Regulation (EU) 2024/1624 of the European Parliament and of the Council of 31 May 2024 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing (hereinafter: Regulation 2024/1624)[2] – entering into force on 10 July 2027, and
- Directive (EU) 2024/1640 of the European Parliament and of the Council of 31 May 2024 on the mechanisms to be put in place by Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Directive (EU) 2019/1937, and amending and repealing Directive (EU) 2015/849 (hereinafter: Directive (EU) 2024/1640)[3] – which must be transposed into Luxembourg law by 10 July 2027.

To the extent permitted by the applicable legal framework and subject to their compatibility with it, these guidelines incorporate, in particular, certain provisions of Article 69 of Regulation (EU) 2024/1624 concerning "reporting of suspicions". The most notable change compared to the previous guidelines of 6 January 2026, regarding the reporting of suspicious operations is that the FIU has replaced the deadlines for replying to its requests for information, set forth in Section 5 of those guidelines, with those provided for in Article 69 of Regulation (EU) 2024/1624.

These guidelines are provided for informational purposes only; they do not constitute legal advice and in no way replace the applicable laws or regulations on this matter.

---

1 Without prejudice to other obligations toward the FIU or toward other competent authorities.
2 https://eur-lex.europa.eu/eli/reg/2024/1624
3 https://eur-lex.europa.eu/eli/dir/2024/1640

# 2 Reporting of suspicious operations

The reporting obligation[4] requires professionals (as listed in Section 2.1 below) to promptly and on their own initiative inform the FIU when they know, suspect, or have reasonable grounds to suspect that money laundering, an associated predicate offense, or terrorist financing is being committed or has been committed or attempted — in particular in consideration of the person concerned, its development, the origin of the funds, the purpose, nature and procedure of the operation.

This report must be accompanied by all supporting information and documents that led to the report.

All suspicious operations, including attempted suspicious operations, must be reported, regardless of their amount.

The obligation to report suspicious operations applies without requiring the obliged entities to legally qualify the predicate offense.

## 2.1 Who is required to report suspicious operations?

The AML/CFT Law defines its scope of application *ratione personae* by listing the financial and non-financial institutions and professions to which the obligations regarding the prevention of money laundering and terrorist financing apply. In accordance with the provisions of Article 2(1) of the AML/CFT Law, obliged entities are required to report suspicious operations of which they become aware to the FIU.

Paragraph 2 of Article 2 of the AML/CFT Law further specifies that the definition of a professional governed by the professional obligations of the AML/CFT Law also includes the Luxembourg branches of foreign professionals as well as professionals governed by foreign law who provide services in Luxembourg without establishing a branch there.

The reporting obligation extends to professionals, their directors (*dirigeants*, members of the authorized management) and employees. Please refer to the AML/CFT Law, as currently in force, for the list of obliged entities.

## 2.2 What must be reported?

### 2.2.1 What are the relevant offenses

The reporting obligation applies to suspicions of money laundering, an associated predicate offense, or terrorist financing. All suspicious operations, including attempted suspicious operations, must be reported, regardless of their amount and without the need to legally qualify the predicate offense.

#### *2.2.1.1 Money laundering—attempt (in the broad sense)*

Since the enactment of the Law of 12 December 2025[5] , the list of associated predicate offenses has been replaced by an all-crime approach. Thus, Article 506-1 of the Criminal Code has provided,

4 Art. 5 (1) b) of the AML/CFT Law.
5 amending:
1° the Criminal Code;
2° the Code of Criminal Procedure.

since the Law's entry into force on 19 December 2025[6], that any crime or misdemeanor (*délit*), if established, may constitute a predicate offense associated with money laundering.

Money laundering, an associated predicate offense, or terrorist financing is considered to have been committed when the suspicious operation took place. This is the case when a suspicion arises after the operation has been carried out, due to circumstances unknown at the time of the operation.

Article 506-1 of the Criminal Code punishes attempted money laundering with the same sanctions as the committed offense.

An attempt at money laundering, an associated predicate offense, or terrorist financing occurs when the prospective customer or customer has begun to carry out money laundering, an associated predicate offense, or terrorist financing, but has failed to do so due to circumstances beyond their control, including as a result of the due diligence conducted by the obliged entity. A mere request for information regarding the terms and conditions of an operation does not constitute the commencement of such an act, as this requires the implementation of concrete measures, such as entering into business negotiations, issuing a transfer order, or establishing a legal structure.

Money laundering offenses are also punishable when:

- the associated predicate offense was committed abroad[7],
- the perpetrator is also the perpetrator or an accomplice to the associated predicate offense[8].

#### *2.2.1.2 Terrorist Financing*

The offense of terrorist financing, as defined in Article 135-5 of the Criminal Code, consists of providing or collecting, by any means whatsoever, directly or indirectly, unlawfully and deliberately, funds, securities, or property of any kind, with the intention that they will be used or with the knowledge that they will be used, in whole or in part, to commit or attempt to commit one or more of the offenses referred to in paragraph (2) of Article 135-5 of the Criminal Code, even if they were not actually used to commit or attempt to commit any of these offenses, or if they are not linked to one or more specific terrorist acts[9].

It also constitutes an act of terrorist financing to provide or collect, by any means whatsoever, directly or indirectly, unlawfully and deliberately, funds, securities, or property of any kind, with the intention that they will be used or with the knowledge that they will be used, in whole or in part, by a terrorist or a terrorist group, including in the absence of a link to one or more specific terrorist acts, even if they have not actually been used by the terrorist or the terrorist group.

The term "funds" includes property of any kind, whether tangible or intangible, movable or immovable, acquired by any means whatsoever, and legal documents or instruments in any form,

6 Published on 15 December 2025.
7 Art. 506-3 of the Criminal Code.
8 Art. 506-4 of the Criminal Code.
9 Art. 135-5 Paragraph (2) of the Criminal Code refers to Articles 112-1 (attacks against persons enjoying international protection), 135-1 to 135-4 (terrorist offenses), 135-9 (terrorist attacks using explosives), 135-11 to 135-13 (offenses related to terrorist activities) and 442-1 (hostage taking) of the Criminal Code, Articles 31 and 31-1 of the Law of 31 January 1948, as amended, on the Regulation of Air Navigation, Article 2 of the Law of 11 April 1985, as amended, approving the Convention on the Physical Protection of Nuclear Material, opened for signature in Vienna and New York on 3 March 1980, and Article 65 -1 of the Law of 14 april 1992, as amended instituting a disciplinary and Criminal Code for the navy.

including electronic or digital form, evidencing a right of ownership or interest in such property, as well as bank credits, traveler's checks, bank checks, money orders, stocks, securities, bonds, bills of exchange, and letters of credit, economic resources, raw materials, and other natural resources, without this list being exhaustive.

The obligation to report operations also applies to funds for which there are reasonable grounds to suspect, or which are suspected, of being linked to, related to, or used for terrorism, terrorist acts, by a terrorist or terrorist groups or by those who finance terrorism[10] .

### 2.2.2 What is a suspicious operation?

A suspicious operation is an operation which the obliged entity knows, suspects, or has reasonable grounds to suspect that money laundering, an associated predicate offense, or terrorist financing is taking place, has taken place, or has been attempted— in particular in consideration of the person concerned, its development, the origin of the funds, the purpose, nature and procedure of the operation.

The subject of the suspicion may relate to a person[11] or an operation.

In everyday language, "suspicion" can be defined as "an unfavorable opinion regarding a person or behavior, based on clues, impressions, or intuitions, without there necessarily being specific evidence"[12].

Thus, to report a suspicion, the obliged entity is not required to establish proof of money laundering, an associated predicate offense, or terrorist financing; it is sufficient that the circumstances make such a hypothesis plausible.

However, the mere existence of doubt or uncertainty does not justify filing a report. Reporting entities must ensure that the reports they submit are based on a reasonable suspicion resulting from a thorough analysis of the information and data at their disposal.

In this regard, it should be noted that Article 5(1)(a), paragraph 1, of the AML/CTF Law provides that every report must be accompanied by all the supporting information and documents that led to its filing.

### 2.2.3 How can a suspicious operation be identified?

#### *2.2.3.1 Methodology*

Suspicion of money laundering, an associated predicate offense, or terrorist financing may arise, in particular, in consideration of the person concerned, its development, the origin of the funds, the purpose, nature and procedure of the operation. There is no minimum monetary threshold for reporting a suspicious operation.

Several factors may come into play, which may seem insignificant when considered individually but may create doubts when taken together.

---

10 Art. 5(1bis) of the AML/CFT Law.
11 M. Turk L'art de déclarer des opérations suspectes...», Le risque pénal du banquier, Ed. Anthemis, 2020, p. 342. « Related person» means either a person concerned by the business relationship or a third party thereto.
12 French Dictionary, Larousse, via the hyperlink Définitions : soupçon – Larousse French Dictionary.

Any transaction or operation, whether attempted or committed, that raises doubts or questions, makes one feel uneasy, or causes concern or suspicion may be potentially linked to money laundering, an associated predicate offense, or terrorist financing[13].

The context of a transaction or operation is an important factor to consider when assessing the validity of suspicions. This context will vary from one business to another and from one customer to another. It is up to reporting entities to assess the reasonableness of a transaction or operation in light of the circumstances, the legitimate standard practices of their industry and the information they have about their customer. The fact that transactions or operations do not appear to conform to standard practices in the relevant industry may be a determining factor in establishing grounds for suspicion.

The analysis of a suspicion should include a reasonable assessment of the relevant factors, including the level of knowledge of the customer's business, their financial history, their behavior, and the context of the operation. The reporting entity may also conclude that there are reasonable grounds for suspicion by taking into account multiple factors, rather than just one.

To assist professionals in implementing the new obligations arising from Article 69 of Regulation (EU) 2024/1624, it is clarified that the second paragraph of point 2 of that article provides that suspicions are based on the characteristics of the customer and their counterparts, the size and nature of the transaction or activity or the methods and patterns thereof, the link between several transactions or activities, the origin, destination or use of funds, or any other circumstance known to the obliged entity, including the consistency of the transaction or activity with the information obtained pursuant to Chapter III of the Regulation 2024/1624 (customer due diligence), including the risk profile of the client.

Please note that there is no reporting threshold for filing a report.

To assist professionals in determining whether they have a suspicion, the FIU has compiled a list of indicators available on goAML.

#### *2.2.3.2 Indicators of suspicion*

The Canadian FIU (Fintrac/Canafe) defines money laundering indicators as "potential red flags that could initiate suspicions or indicate that something may be unusual in the absence of a reasonable explanation"[14] . These indicators are part of the methodology for identifying suspected money laundering, an associated predicate offense, or terrorist financing.

The FIU recently introduced indicator catalogs to assist reporting entities in preparing their reports. These indicators provide a comprehensive framework that organizes the main elements of suspicion into categories, such as transactional patterns, red flags, suspected predicate offenses, typologies, sectors, products, and contextual factors. The goal is to improve the clarity and consistency of suspicious operations reports and any other submissions to the FIU. This structured approach helps the FIU analyze reports more effectively, identify trends or typologies, and share information with relevant sectors to enhance awareness and preventive measures. Indicators should be selected based on the facts and circumstances described in the report submitted to the FIU. Although their

---

13 M. Turk, « L'art de déclarer des opérations suspectes... », Le risque pénal du banquier, Editions Anthemis, 2020, p. 348.
14 https://fintrac-canafe.canada.ca/guidance-directives/transaction-operation/indicators-indicateurs/sec_mltf-eng

use is not strictly mandatory, it is strongly encouraged when they provide relevant context for the reported suspicion.

The list of suggested indicators is available on goAML, and further information on this topic can be found in the documents titled “goAML Indicators,” which are available to reporting entities on the website www.crf.lu.

### 2.2.4 Quality of the report

The reporting obligation is an essential tool in the fight against money laundering, associated predicate offenses, and terrorist financing. It contributes to the detection of these offenses and enables the FIU to conduct the necessary analyses and disseminate relevant information to judicial authorities and other competent authorities.

The quality of the reports received is therefore of fundamental importance. It rests on two complementary aspects: first, the clarity of the report and the relevance of the reported suspicions; and second, the technical quality of the reports.

Regarding the first aspect, please refer to Section 2.2.3 above, which specifies the methodology to be applied in order to detect relevant cases of suspicion. Although the criteria set forth in Article 69 of Regulation (EU) 2024/1624[15] are, for the most part, not new, they nevertheless reflect the European legislator’s intention to strengthen the requirements regarding the justification and substantiation of suspicious operations reports. To ensure the smoothest possible transition to this new legislative framework, the FIU believes that these criteria should be taken into account immediately.

The report must be accompanied by all the supporting information and documents that formed the basis for the report.

The information provided must be clear, accurate, complete, and up-to-date, and must include a precise description of the facts as well as proper identification of the individuals and entities involved. The report must be the result of a genuine and effective preliminary analysis, based on a set of indicators that substantiate a genuine suspicion of money laundering, an associated predicate offense, or terrorist financing.

The report must be filed “promptly” (see Section 2.3).

From the perspective of the technical quality of the report,

- All reports must be submitted exclusively through the goAML application. This means that reporting entities must first be registered and have functional, up-to-date access (see Section 2.4),
- The various structured fields of the online (or XML) report via goAML must be correctly filled out and accompanied by supporting documents relevant to the FIU’s analysis.

15 Reproduced in Section 2.2.3 above.

The periodic feedback sent by the FIU to reporting entities includes a section on the quality of the filed reports.

## 2.3 When should suspicious operations be reported?

### 2.3.1 Trigger of suspicion

The reporting obligation imposed on obliged entities is triggered as soon as there is a suspicion of money laundering, an associated predicate offense, or terrorist financing. Professionals are required to refrain from executing any transaction that they know, suspect, or have reasonable grounds to suspect is related to money laundering, an associated predicate offense, or terrorist financing before reporting it to the FIU. As a reminder, the reporting obligation applies even in the case of an attempt: an operation that was not carried out, but the circumstances of which reveal serious indicator must also be brought to the attention of the FIU.

Any new information that could invalidate, corroborate, or modify the content of the report must be brought promptly to the attention of the FIU.

### 2.3.2 Reporting deadlines

When an obliged entity detects a suspicion of an operation suspected to be related to money laundering, an associated predicate offense, or terrorist financing—whether attempted or committed—they must report it promptly to the FIU[16].

Since the term "promptly" is not defined in the AML/CFT Law, the obligation to file a report with the FIU arises as soon as the obliged entity concludes that residual doubt remains.

## 2.4 How to file a suspicious operations report?

Obliged entities must use goAML Web, the FIU's platform for reporting suspicious operations.

Obliged entities must first register as "reporting entity" in the FIU's goAML Web application and designate at least one compliance officer. If the reporting entity is already registered, they can log in to their account and access the suspicious operations report form using their login credentials. If they are not yet registered, they must first complete the registration form on goAML Web.

Article 8(4) of the amended Grand Ducal Regulation of 1 February 2010, clarifying certain provisions of the AML/CFT Law, emphasizes the importance for professionals to register on goAML[17].

16 Art. 5(1)(a) of the AML/CFT Law.

17 The Grand Ducal Regulation of 14 August 2020 amending the Grand Ducal Regulation of 1 February 2010, clarifying certain provisions of the AML/CFT Law provides in Article 8(4) that " The adequate and appropriate communication procedures referred to in Article 4(1) of the Law must include procedures to enable professionals to respond quickly and comprehensively to any request for information from the Luxembourg authorities responsible for combating money laundering and terrorist financing. In particular, with regard to the obligation to cooperate with the FIU, they shall include prior registration with the FIU's data processing system in order to report suspicious transactions or respond to a request for information from the FIU"

For further details on prior registration as a reporting entity, subject entities may refer to the goAML FAQ at[18] on the FIU's website.

When an application to register as a reporting entity is approved by the FIU, the reporting entity receives a confirmation email containing its account information. The ID number included in the email then allows other members within the obliged entity (e.g. a compliance officer) to register as users under the original reporting entity.

For further details on registering other individuals authorized to cooperate with the FIU, reporting entities may refer to the goAML FAQ on the FIU's website.

Once a reporting entity is registered on goAML Web, it can file its suspicious operations report in goAML Web by choosing between online reporting or uploading XML files. The various types of forms available on goAML Web allow for distinguishing between money laundering and terrorist financing, as well as between reports that do and do not contain suspicious transactions.

The forms include required fields, marked with an asterisk, and optional fields, to be completed if the reporting entity has the relevant information.

To ensure the efficient analysis and processing of received reports, please follow the instructions on report quality, as outlined in Section 2.2.4 above.

### 2.4.1 Online reporting

By default, reports are submitted using the FIU's online form. This form is designed for professionals who submit a limited number of reports or whose reports do not include any financial transactions or include only a limited number of such transactions.

For further details on the FIU's online forms, reporting entities may refer to the goAML FAQ page on the FIU's website.

### 2.4.2 Uploading an XML file

Manually entering financial transactions can quickly become tedious. For reporting entities which plan to file on a regular basis or when filings contain a large number of financial transactions, it is strongly recommended to develop IT solutions that allow the relevant data to be exported directly from their internal IT system to an XML file.

This file can then be imported into goAML Web.

For further details on uploading XML files, reporting entities may refer to the goAML FAQ on the FIU's website.

18 https://crf.public.lu/en/comment/faq.html

## 2.5 Follow-up on a suspicious operations report

### 2.5.1 Acknowledgment of receipt

Reporting entities receive an acknowledgment of receipt for all reports they filed during the day by midnight on the same day via the goAML messaging system.

### 2.5.2 Outcome of the business relationship

No provision of the AML/CFT Law requires the termination of the business relationship with a customer in the event of a suspicious operations report[19] . The decision to continue or terminate the business relationship with a person who has been the subject of a report is at the sole discretion of the reporting entity and remains its sole responsibility.

The reporting entity may communicate with the customer as part of the normal business relationship but must not in any way mention the existence of a suspicious operations report or a request for information from the FIU[20] .

### 2.5.3 Does the FIU need to be notified of transactions occurring after the report?

The FIU does not need to be notified of subsequent transactions that are unrelated to the operations that were the subject of the report, provided they are not suspicious. However, if subsequent transactions appear suspicious, reporting entities must report them to the FIU promptly by filing a new report.

### 2.5.4 Feedback

Effective as of 1 January 2026, the individual feedback forms of the FIU, referred to in Article 74-3(1) of the amended Law of 7 March 1980, on the Organization of the Judiciary, sent by the FIU as a result of filing a report in accordance with Article 5 (1)(a) of the AML/CFT Law, have been replaced by quarterly consolidated feedback reports, providing a comprehensive summary of the suspicious operations reports submitted during the previous quarter to the reporting entities.

This new approach is part of a gradual transition toward the implementation of the provisions of Article 28(1) of Directive (EU) 2024/1640[21] , which states:

> *"Member States shall ensure that FIUs provide reporting entities with feedback on reports concerning suspicions pursuant to Article 49 of Regulation (EU) 2024/1624. Such feedback shall cover at least the quality of the information provided, the timeliness of reporting, the description of the suspicion, and the documentation provided at submission stage."*

---

19 With regard to the specific situation in which it is impossible to meet certain due diligence obligations, reference is made to Article 3(4) of the AML/CFT Law, which provides that: The professionals who are unable to comply with paragraph 2(a) to (c) and, where applicable, with paragraphs 2b and 2c may not carry out a transaction through an (...) account, establish a business relationship, carry out the transaction and shall terminate the business relationship and shall consider making a suspicious transaction report to the FIU in accordance with Article 5.
20 Art. 5(5) of the AML/CFT Law regarding the non-disclosure obligation, known as the "no tipping-off" rule.
21 Art. 28(1) of Directive (EU) 2024/1640 must be transposed into national law no later than 10 July 2027.

Thus, this feedback includes:

- A quantitative component tracking the historical trend of suspicious operations reports, and
- A qualitative component containing general observations and suggestions for improvement regarding the quality and timeliness of suspicious operations reports, the description of the suspicions and any other documents provided.

This new feedback provides a comprehensive view of each reporting entity's reporting behavior and allows them to adapt their internal procedures as needed. Fully automated and sent via the goAML messaging system *(message board)*, this feedback is provided on a quarterly basis.

In addition to this quarterly feedback, reporting entities will receive important information throughout the year on trends, typologies, and risks related to money laundering, its associated predicate offenses, and terrorist financing.

A summary of the submitted reports is available at any time via goAML Web.

# 3 Request for information from the FIU

Even in the absence of a report, the FIU is entitled to request information from obliged entities[22] . These entities are required to provide the FIU with all requested information without delay upon its request. This obligation includes, in particular, the submission of supporting documents on which the information is based.

For the definition of obliged entities and the scope of application (*ratio materiae*) of this obligation, please refer to Sections 2.1 and 2.2 above.

## 3.1 What is the deadline for replying to a request for information from the FIU?

The current regulatory framework stipulates that obliged entities must respond without delay to requests for information submitted by the FIU.

In its previous guidelines dated 6 January 2026, regarding suspicious operations reporting, the FIU had specified more precise reply deadlines based on the urgency of the request received. These deadlines were based on the FIU's operational experience.

Paragraphs 3 and 4 of Article 69(1) of Regulation (EU) 2024/1624, which is directly applicable as of 10 July 2027, now set specific response deadlines. In order to prepare for the application of these provisions—and given that the deadlines set forth in the previous guidelines were based on the FIU's operational experience—the FIU has decided to apply, effective immediately, the deadlines set forth in the aforementioned regulation.

Reporting entities must reply to information requests submitted by the FIU within five business days. The response time for highly urgent requests is 24 hours. In specific and duly justified cases, the FIU may reduce this time limit to less than 24 hours.

22 Art. 5(1)(b) of the AML/CFT Law

### 3.2 How to reply to a request for information from the FIU?

The request for information is sent to the obliged entity entity:

- via the goAML messaging system (*message board*), if the reporting entity is already registered. In this case, the reporting entity will also receive a notification at its email address;
- by mail, if the reporting entity is not yet registered. The reporting entity will also receive a letter inviting them to register with goAML.

As a matter of fact, the obliged entity must first register as a reporting entity (Section 2.4) in order to reply to the request for information.

To do so, reporting entities use the *"Requested Information Activity Report"* (or "RIRA") and/or *"Requested Information Transaction* Report" (or "RIRT") forms, with or without transactions, available on goAML Web.

These forms may be completed online or by downloading an XML file (Section 2.4.2).

# 4 Freezing orders

Pursuant to article 5(3) of the AML/CFT Law, "the *FIU may give instructions not to carry out the operations relating to the transaction or the customer*."

For the definition of obliged entities and the scope of application (ratio materiae) of this obligation, please refer to Sections 2.1 and 2.2 above.

### 4.1 Which transactions may be subject to a freezing order?

The term "transaction" should be understood in a broad sense. Any transaction carried out by an obliged entity in the course of a business relationship may be subject to a freezing order issued by the FIU. Thus, a freezing order may, in particular, concern operations in a bank account, the contents of a safe deposit box, the redemption of a life insurance policy, the register of investors in a fund or sub-fund, or a portfolio of virtual assets.

The FIU may also issue a freezing order concerning a specific business relationship (a specific customer).

The purpose of the freezing order is to halt an operation that may be part of an ongoing money laundering or terrorist financing scheme. A freezing order is an exceptional measure that generally precedes a judicial seizure or further analysis by the FIU. In certain cases, however, the FIU may choose to allow suspicious operations to proceed in order so as to avoid alerting the customer to the unavailability caused by a freezing order.

### 4.2 When can a freezing order be issued?

The FIU's decision to freeze funds may be made at any time.

To avoid compromising the effectiveness of the FIU's freeze, obliged entities refrain from executing a transaction that they know, suspect, or have reasonable grounds to suspect is linked to money laundering, an associated predicate offense, or terrorist financing, before notifying the FIU via a suspicious operations report or in response to a request for information[23] and complying with any specific instructions issued by the FIU.

An acknowledgement of receipt for the reports and replies to requests for information is generated by goAML Web and sent to obliged entities via the messaging system (*message board)* around midnight each day. From that point on, and in the absence of a freezing order by the FIU, obliged entities may decide, **under their own responsibility**, to execute the transactions referred to in the communications as well as any other subsequent non-suspicious transactions.

## 4.3 How is a freezing order notified?

In urgent cases, the FIU may notify obliged entities of the freezing order by telephone. This verbal instruction must be followed by written confirmation within three days[24] .

If obliged entities have a goAML Web account, the decision will be communicated to them via the goAML messaging system *(message board)*. If they are not registered, it will be sent to them by email or regular mail.

## 4.4 The effects of a freezing order

### 4.4.1 On the transaction

A freezing order has the effect of suspending the relevant transactions. A freezing order may be tailored to the circumstances. Thus, a freezing may be general, affecting all transactions related to a business relationship, or partial, affecting only certain operations specified in the FIU's decision. When a partial freezing order is served on obliged entities, they are required to suspend the execution of the operations covered by the order, but may, under their own responsibility, carry out any other transactions not covered by the order.

### 4.4.2 On the business relationship

Obliged entities may not terminate a business relationship while a freezing order is in effect, as doing so would render the freezing ineffective. Furthermore, no provision of the AML/CFT Law requires the termination of the business relationship with the customer following the withdrawal of a freezing ordered by the FIU.

## 4.5 Validity period of a freezing order

The validity period of the freezing order is not limited in time.

### 4.5.1 Withdrawal of the freezing order

The FIU may, on its own initiative and at any time, order the full or partial withdrawal of the freezing when the circumstances no longer justify its continuation.

When a decision to lift the freezing order is notified to the obliged entities, they are once again authorized to carry out, at their own responsibility, the transactions previously subject to the freezing

23 Art. 5(3) of the AML/CFT Law.
24 Art. 5(3), para. 3 of the AML/CFT Law.

order. Unless otherwise instructed by the FIU, the business relationship may be terminated by the reporting entity without the need to seek the FIU's approval.

The reporting entity retains the option to notify the FIU of the outcome regarding the business relationship.

### 4.5.2 Appeal against the freezing order

The freezing order may be subject to judicial review pursuant to Article 9-3 of the AML/CFT Law:

> *(1) Any person demonstrating an interest in the property concerned by the instruction from the Financial Intelligence Unit not to carry out the operations in accordance with Article 5(3) and the professional concerned by this instruction may request, by simple request to the Chambre du Conseil du Tribunal d'arrondissement de Luxembourg (Judges' Council Chamber of the Luxembourg District Court), the withdrawal of this instruction.*
>
> *(2) The request shall be communicated within 24 hours upon its receipt by the registry (greffe) of the Chambre du Conseil to the Financial Intelligence Unit and to the State prosecutor.*
>
> *(3) The Financial Intelligence Unit shall draw up a written and reasoned report justifying the instruction taken in application of Article 5(3) and transmit it to the registry (greffe) of the Chambre du Conseil within five days of the receipt of the request. This report shall be communicated by the registry (greffe) of the Chambre du Conseil to the State prosecutor and the requestor.*
>
> *(4) The Chambre du Conseil may request or authorise a judge of the Financial Intelligence Unit to provide his observations orally.*
>
> *(5) The Chambre du Conseil shall rule based on the report transmitted in accordance with paragraph 3, the comments made in application of paragraph 4 and after hearing the State prosecutor and the requestor.*
>
> *(6) The order of the Chambre du Conseil can be appealed by the State prosecutor or by the requestor in the forms and within the deadlines set out in Articles 133 and following of the Code of Criminal Procedure.*

# 5 Rights and obligations of the reporting entity

## 5.1 Prohibition on disclosure

Reporting entities must under no circumstances disclose to anyone, including the client, that information has been, is being, or will be communicated or provided to the FIU or any other competent authority responsible for combating money laundering and terrorist financing[25] . Thus, reporting entities must not disclose, under penalty of criminal sanctions, the existence of a suspicious operations report regarding money laundering, an associated predicate offense, or terrorist financing submitted to the FIU, nor any request for information from the FIU.

25 Art. 5(5), para. 1 of the AML/CFT Law.

This prohibition shall not apply to a disclosure to the supervisory authorities or, if appropriate, the self-regulatory bodies of the different professionals[26] .

Exceptions to this prohibition are also provided for, under certain conditions, with regard to disclosures:

- between the credit institutions and financial institutions of Member States, provided that they belong to the same group, or between those institutions and their branches and majority-owned subsidiaries located in third countries[27] ;
- between professionals referred to in points (8), (9), (11), (12) and (13) of Article 2(1) of the AML/CFT Law, from Member States or from third countries which impose requirements equivalent to those laid down in this law or in Directive (EU) 2015/849, who perform their professional activities, whether as employees or not, within the same legal person or a network[28] [29] ;
- between credit institutions, financial institutions, and professionals referred to in points (8), (9), (11), (12) and (13) of Article 2(1) of the AML/CFT Law, in cases involving the same person concerned and the same transaction involving two or more professionals, the prohibition laid down in the first subparagraph of this paragraph shall not prevent disclosure between the relevant professionals provided that they are situated in a Member State, or in a third country which imposes requirements equivalent to those laid down in the AML/CFT Law or in Directive (EU) 2015/849[30] and that they are from the same professional category and are subject to equivalent obligations as regards professional secrecy and personal data protection. The information exchanged must be used exclusively for the purposes of the prevention of money laundering and terrorist financing

Reporting entities are not authorized to inform their clients of the existence of a FIU freezing order without the FIU's express prior consent[31] . In most cases, the freeze order authorizes reporting entities to inform a client—who inquires about the reasons for the non-execution of a transaction—that a freezing ordered by the FIU is in effect and that the client may seek redress against this measure pursuant to Article 9-3 of the AML/CFT Law. Under no circumstances may the reporting entity provide a copy of the freezing order to the customer or any third party.

The customers may, if they wish, contact the FIU in writing (crf@justice.etat.lu ) to obtain confirmation of the measure taken against them. However, this option does not, under any circumstances, authorize reporting entities—under penalty of criminal sanctions—to disclose to the

26 Art. 5(5), para. 2 of the AML/CFT Law.
27 Art. 5 (5), para. 3 of the AML/CFT Law: " provided that those branches and majority-owned subsidiaries fully comply with the group-wide policies and procedures, including procedures for sharing information within the group, in accordance with Article 4-1 or Article 45 of Directive (EU) 2015/849, and that the group-wide policies and procedures comply with the requirements laid down in this law or in Directive (EU) 2015/849".
28 Art. 5 (5), para. 4 of the AML/CFT Law: "The term 'network' means the broader structure to which the person belongs and which shares common ownership, management, and oversight of compliance with common obligations."
29 Art. 5(5), para. 4 of the AML/CFT Law.
30 Art. 5(5), para 5 of the AML/CFT Law
31 Art. 5(3), para. 4 of the AML/CFT Law.

customer the existence of a suspicious operations report filed with the FIU, nor that of a request for information from the FIU.

## 5.2 Immunity

The disclosure in good faith to the FIU by a professional, its directors (dirigeants, members of the authorized management) or employees, of information related to a suspicious operations report or a reply to a request for information does not constitute a violation of any restriction on the disclosure of information imposed by contract, professional secrecy, or any legislative, regulatory, or administrative provision, and does not give rise to any liability whatsoever for the professional or the person concerned, even in a situation where they did not have specific knowledge of the associated predicate offense, regardless of whether an unlawful activity actually occurred[32] .

Reports, information, or documents provided to the FIU may not be used against the reporting entities in proceedings for breach of professional obligations[33] .

## 5.3 Confidentiality of the reporting entity's identity

The identity of professionals, their directors (dirigeants, members of the authorized management) and employees, who have filed a suspicious operations report or provided information to the FIU is kept confidential by the FIU, unless its disclosure is essential to ensure the regularity of legal proceedings or to establish proof of the facts forming the basis of such proceedings[34] .

To the extent possible, the FIU does not disclose to a foreign counterpart or a national prosecuting authority (1) whether the information in its possession stems from a suspicious operations report filed by an obliged entity or from a request for information by the FIU, and (2) the identity of the obliged entity which filed such reports.

## 5.4 Processing of personal data

As part of its statutory duties, the FIU processes personal data. For further information on this topic, obliged entities may refer to the information notice regarding the processing of personal data, which is available on the FIU's website: Data Protection - CRF - Financial Intelligence Unit - Luxembourg[35].

## 5.5 Criminal sanctions

Criminal sanctions may be imposed on obliged entities in the event of a breach of professional obligations, particularly with regard to the reporting of suspicious operations. Thus, failure to file a report or to reply to a request for information from the FIU is punishable by a criminal fine ranging from 12,500 to 5,000,000 euros.

The same sanctions may be imposed on obliged entities if they disclose, in any manner whatsoever, the existence of a report, a request for information from the FIU, or—without the FIU's authorization—the existence of a freezing order.

32 Art. 5(4) of the AML/CFT Law.
33 Art. 5(4bis) of the AML/CFT Law
34 Art. 5(1)(b), para. 2 of the AML/CFT Law.
35 https://crf.public.lu/en/support/dataprotection.html

The supervisory and enforcement powers of regulatory authorities—and, more recently, those of self-regulatory bodies—have been significantly expanded in recent years, and various sanctions and other measures may now be imposed by these authorities and bodies in the event of a breach of the professional obligations set forth in the AML/CFT Law[36].

# 6 General frequently asked questions

## 6.1 Can transactions be authorized by the FIU?

No, there is no legal basis authorizing the FIU to approve a transaction. Consequently, the FIU does not approve transactions and does not rule on their legality or appropriateness. Obliged entities are solely responsible for their business decisions regarding whether or not to execute a transaction.

Consequently, obliged entities are asked to refrain from contacting the FIU to request authorization to execute a transaction.

As noted above, when a transaction nevertheless exhibits atypical characteristics or gives rise to a suspicion of money laundering, an associated predicate offense, or terrorist financing, reporting entities are required to examine it as a risk factor within its overall context, taking into account industry practices and the information they have about the customer. If, following this review, doubts persist, reporting entities must report the suspicious operations to the FIU without delay.

## 6.2 Can the FIU provide legal advice?

No, there is no legal basis authorizing the FIU to provide legal advice to obliged entities regarding specific cases for instance, nor on the compliance of their internal procedures.

36 Section I (« Supervision of the professionals») of chapter 3-I (« Supervision and sanctions») of the AML/CFT Law.

LA JUSTICE
Grand-Duché de Luxembourg

Cellule de renseignement financier (CRF)

**Contact**

Cellule de Renseignement Financier (CRF)
Email address: crf@justice.etat.lu
Website: www.crf.lu