

## CCBE interpretative note regarding Article 70 of the AML Regulation

27 March 2026

### EXECUTIVE SUMMARY

The objective of this note is to provide guidance and interpretation of Article 70 of the new AML Regulation which was adopted by the EU as part of the AML package. This new provision, entitled “Specific provisions for reporting of suspicions by certain categories of obliged entities”, sets forth the rules for reporting of suspicious transactions applicable, amongst others, to lawyers.

This note delves into certain aspects of this provision, namely:

- the exemption, under Article 70, from the general obligation to report suspicious transactions provided by Article 69;
- the exception to this exemption, in the three scenarios indicated in Article 70;
- the possibility for Member States of disapplying the exemption in certain cases.

This note aims at providing a clear interpretation regarding the abovementioned provision in the new AML/CFT framework.

## I. Introduction

The Council of Bars and Law Societies of Europe (CCBE) represents the bars and law societies of 46 countries, and through them more than 1 million European lawyers.

On 31 May 2024, as part of a broader AML package, the EU adopted a new anti-money laundering (AML) Regulation (AMLR, Regulation (EU) 2024/1624.)<sup>1</sup>. It contains rules for obliged entities, for instance on due diligence, reporting of discrepancies and reporting of suspicious transactions. It provides special rules for lawyers who fall under its scope.

One of these special provisions, Article 70 of AMLR entitled “*Specific provisions for reporting of suspicions by certain categories of obliged entities*”, provides the rules for reporting of suspicious transactions by, amongst others, lawyers.

<sup>1</sup> 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, <https://eur-lex.europa.eu/eli/reg/2024/1624/oj/eng>

By 10 July 2026, the AML Authority (AMLA) shall develop implementing technical standards and submit them to the Commission for adoption. Those drafts implementing technical standards shall specify the format to be used for the reporting of suspicions and for the provision of transaction records. Moreover, by 10 July 2027, AMLA shall issue guidelines on indicators of suspicious activity or behaviours. Those guidelines shall be periodically updated.

The objective of this note is to provide a CCBE interpretation of these special provisions. The note will delve into certain aspects of this provision, namely:

- the exemption, under Article 70, from general obligation to report suspicious transactions provided by Article 69;
- the exception to this exemption, in the three scenarios indicated in Article 70;
- the possibility for Member States to disapply the exemption in certain cases.

For the sake of completeness, the guidance provided in this note with respect to the aforementioned exceptions to the reporting exemptions under Article 70, is also relevant to Article 21(2) of AMLR, to the extent this Article relieves lawyers (specifically when they are not in position to complete their AML/KYC due diligence obligations) from their FIU reporting obligations in same circumstances as Article 70(2), and with same exceptions.

The CCBE hopes that this note will help to interpret the new EU provisions. For bars, it might be of assistance in the implementation of the provisions of the AML package. For lawyers, it will clarify the requirements of the Regulation.

**Disclaimer:** The interpretation provided in this note aims at providing CCBE's views regarding the new AML/CFT framework. The views presented in this document are those of the CCBE and might not align with the interpretation by regulators or Courts. The CCBE is not aware of any case law providing guidance on the new wording. It is the sole responsibility of the users to apply the provisions in specific circumstances and to base their actions and decisions on the legal provisions. The CCBE is not responsible for the consequences of any actions taken on the basis of the information provided.

## II. Analysis of the relevant provisions

### A. Provisions in the new AMLR

Article 69 AMLR sets the **general rule** regarding reporting of suspicious transactions by obliged entities.

1. *Obligated entities, and, where applicable, their directors and employees, shall cooperate fully with the FIU by promptly:*

*(a) reporting to the FIU, on their own initiative, where the obliged entity knows, suspects or has reasonable grounds to suspect that funds or activities, regardless of the amount involved, are the proceeds of criminal activity or are related to terrorist financing or criminal activity and by responding to requests by the FIU for additional information in such cases;*

*(b) providing the FIU, at its request, with all necessary information, including information on transaction records, within the deadlines imposed.*

*All suspicious transactions, including attempted transactions and suspicions arising from the inability to conduct customer due diligence shall be reported in accordance with the first subparagraph.*

*For the purposes of the first subparagraph, obliged entities shall reply to requests for information by the FIU within 5 working days. In justified and urgent cases, FIUs may shorten that deadline, including to less than 24 hours.*

*By way of derogation from the third subparagraph, the FIU may extend the deadline for a response beyond the 5 working days where it considers it justified and provided that the extension does not undermine the FIU's analysis.*

*2. For the purposes of paragraph 1, obliged entities shall assess transactions or activities carried out by their customers on the basis of and against any relevant fact and information known to them or which they are in possession of. Where necessary, obliged entities shall prioritise their assessment taking into consideration the urgency of the transaction or activity and the risks affecting the Member State in which they are established.*

*A suspicion pursuant to paragraph 1, point (a), shall be 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 including the risk profile of the client.*

*(...)*

Article 70 AMLR then contains specific provisions for the reporting of suspicious transactions by certain categories of obliged entities, such as lawyers.

Paragraph 2, first subparagraph of Article 70 sets **the exemption for lawyers** from reporting under Article 69 when certain circumstances arise. The *rationale* of this exemption rests on a fundamental principle in democratic societies, where clients must be able to communicate with their lawyer in full candour and confidence which has been recognised as a fundamental right both by the European Court of Justice and the European Court of Human Rights. Without professional secrecy/legal professional privilege, adequate legal assistance and proper administration of justice could in fact be compromised.

*2. Notaries, lawyers, other independent legal professionals, auditors, external accountants and tax advisors shall be exempted from the requirements laid down in Article 69(1) to the extent that such exemption relates to information that they receive from, or obtain on a client, in the course of ascertaining the legal position of that client, or performing their task of defending or representing that client in, or concerning, judicial proceedings, including providing advice on instituting or avoiding such proceedings, regardless of whether such information is received or obtained before, during or after such proceedings.*

This principle is however followed by an **exception, that addresses three specific cases** (paragraph 2, second subparagraph of Article 70):

*The exemption set out in the first subparagraph shall not apply when the obliged entities referred to therein:*

- (a) take part in money laundering, its predicate offences or terrorist financing;*
- (b) provide legal advice for the purposes of money laundering, its predicate offences or terrorist financing; or*
- (c) know that the client is seeking legal advice for the purposes of money laundering, its predicate offences or terrorist financing; knowledge or purpose may be inferred from objective factual circumstances.*

The exception to the principle is, therefore, clearly delineated and from this it can be inferred that the legislator wanted to limit the principle to what is strictly necessary, without questioning the principle as such.

It is also important to note that paragraph 3 introduces **a possibility for Member States not to apply the exemption in certain additional cases**.

3. In addition to the situations referred to in paragraph 2, second subparagraph, where justified on the basis of the higher risks of money laundering, its predicate offences or terrorist financing associated with certain types of transactions, Member States may decide that the exemption referred to in paragraph 2, first subparagraph, does not apply to those types of transactions and, as appropriate, impose additional reporting obligations on the obliged entities referred to in that paragraph. Member States shall notify the Commission of any decision taken pursuant to this paragraph. The Commission shall communicate such decisions to the other Member States.

This paragraph therefore introduces a possibility for Member States to decide that the exemption referred to in paragraph 2 does not apply for certain types of transactions, where this is justified by a higher risk for money laundering, its predicate offences or terrorist financing. In these cases, additional reporting obligations can be imposed, provided they fulfil the conditions enumerated in the text, on obliged entities.

Three recitals of the AML regulation are relevant for the reading of the above provisions:

(12) Independent legal professionals should be subject to this Regulation when participating in financial or corporate transactions, including when providing tax advice, because there is risk of the services provided by those legal professionals being misused for the purpose of laundering the proceeds of criminal activity or for the purpose of terrorist financing. There should, however, be **exemptions from any obligation to report** information obtained before, during or after judicial proceedings, or in the course of ascertaining the legal position of a client, as such information is covered by legal privilege. Therefore, **legal advice should remain subject to the obligation of professional secrecy, except where the legal professional is taking part in money laundering or terrorist financing, the legal advice is provided for the purposes of money laundering or terrorist financing, or where the legal professional knows that the client is seeking legal advice for the purposes of money laundering or terrorist financing. Such knowledge and purpose can be inferred from objective factual circumstances.** As legal advice might already be sought at the stage of perpetrating the proceeds-generating criminal activity, it is **important that cases excluded from legal privilege extend to situations where legal advice is provided in the context of the predicate offences.** Legal advice sought in relation to ongoing judicial proceedings should not be deemed to constitute legal advice for the purposes of money laundering or terrorist financing.

(142) For certain obliged entities, Member States should have the possibility to designate an appropriate self-regulatory body to be informed in the first instance instead of the FIU. In accordance with the case-law of the European Court of Human Rights, a system of first instance reporting to a self-regulatory body constitutes an important safeguard for upholding the protection of fundamental rights as concerns the reporting obligations applicable to lawyers. Member States should provide for the means and manner by which to achieve the protection of professional secrecy, confidentiality and privacy.

(143) Notaries, lawyers, other independent legal professionals, auditors, external accountants and tax advisors **should not be obliged to transmit** to the FIU or to a self-regulatory body any information received from, or obtained in relation to, one of their clients in the course of ascertaining the legal position of that client, or in performing the task of defending or representing that client in, or concerning, judicial proceedings, including providing advice on instituting or avoiding such proceedings, whether such information is received or obtained before, during or after such proceedings. **However, such an exception should not apply where the legal professional, auditor, external accountant or tax advisor is taking part in money laundering or terrorist financing, the legal advice is provided for the purposes of money laundering or terrorist financing, or where the legal professional, auditor, external accountant or tax advisor knows that the client is seeking legal advice for the purposes of money laundering or terrorist financing. Such knowledge and purpose can be inferred from objective, factual circumstances. Legal advice sought in relation to ongoing judicial proceedings should not be deemed to constitute legal advice for the purposes of money laundering or terrorist financing. In line with the risk-based approach, Member States should be able to identify additional situations where, having regard to the high risk of money laundering, its predicate offences or terrorist financing associated with certain types of transactions, the exemption from the reporting requirement does not apply. When identifying such additional situations, Member States are to ensure compliance in particular with Articles 7 and 47 of the Charter.**

## B. Comparison with the previous text (AMLD5)<sup>2</sup>

The general rule on reporting of suspicious transactions was contained in Article 33 (1):

1. Member States shall require obliged entities, and, where applicable, their directors and employees, to cooperate fully by promptly:

(a) informing the FIU, including by filing a report, on their own initiative, where the obliged entity knows, suspects or has reasonable grounds to suspect that funds, regardless of the amount involved, are the proceeds of criminal activity or are related to terrorist financing, and by promptly responding to requests by the FIU for additional information in such cases; and

(b) providing the FIU, directly or indirectly, at its request, with all necessary information, in accordance with the procedures established by the applicable law.

All suspicious transactions, including attempted transactions, shall be reported.

The exemption for lawyers was enunciated in the subsequent article, as follows:

Article 34

1. By way of derogation from Article 33(1), Member States may, in the case of obliged entities referred to in point (3)(a), (b) and (d) of Article 2(1), designate an appropriate self-regulatory body of the profession concerned as the authority to receive the information referred to in Article 33(1).

Without prejudice to paragraph 2, the designated self-regulatory body shall, in cases referred to in the first subparagraph of this paragraph, forward the information to the FIU promptly and unfiltered.

2. Member States shall not apply the obligations laid down in Article 33(1) to notaries, other independent legal professionals, auditors, external accountants and tax advisors only to the strict extent that such exemption relates to information that they receive from, or obtain on, one of their clients, in the course of ascertaining the legal position of their client, or performing their task of defending or representing that client in, or concerning, judicial proceedings, including providing advice on instituting or avoiding such proceedings, whether such information is received or obtained before, during or after such proceedings.

This provision did not mention any exception to the exemption. Only recital 9 of the AMLD did introduce certain limits of the exemption:

Recital 9: “There should, however, be exemptions from any obligation to report information obtained before, during or after judicial proceedings, or in the course of ascertaining the legal position of a client. Therefore, **legal advice should remain subject to the obligation of professional secrecy, except where the legal professional is taking part in money laundering or terrorist financing, the legal advice is provided for the purposes of money laundering or terrorist financing, or the legal professional knows that the client is seeking legal advice for the purposes of money laundering or terrorist financing.**”

It should be noted that a very similar wording was already present in the AML Directive of 2001, which extended reporting obligations to lawyers.<sup>3</sup>

<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, [link](#)

<sup>3</sup> Recital 17 of [directive 2001/97/EC](#). See also the [opinion of advocate-general Maduro to CJEU 26 June 2007. C-305/05](#) (6-21).

This clarification is almost identical to the exception inserted in Article 70 of the AMLR. Therefore, the AMLR reiterates the three scenarios in which the exemption does not apply, as these cases were already present in the recitals of AMLD.

The following **new elements** have to be mentioned, however.

**First**, the main change consists in including exceptions to the exemption directly in the text, in addition to recitals.

**Second**, regarding scenario under Article 70 par. 2, c), when lawyers “*know that the client is seeking legal advice for the purposes of money laundering, its predicate offences or terrorist financing*”, further clarifying language aimed at specifying that “*knowledge or purpose may be inferred from objective factual circumstances*” was added. This clarification makes clear that authorities and judges may not deviate from the strict principle that factual and objective circumstances must be established in order to conclude as to “*knowledge*” or “*purpose*” from the lawyer’s perspective.

**Third**, all three scenarios now include predicate offences, while it was not the case in the previous AMLD. Recital 12 of AMLR, mentioned above, explains the reason for this addition.

**Fourth**, the previous AMLD did not mention the ability of Member States to identify additional situations where, having regard to the high risk of money laundering, its predicate offences or terrorist financing associated with certain types of transactions, the exemption from the reporting requirement does not apply. In a regulation, such a provision goes against the objective of a level playing field generally associated with this type of instrument<sup>4</sup>. However, the disapplication of the exemption must be “justified on the basis of the higher risks of money laundering, its predicate offences or terrorist financing associated with certain types of transactions”, i.e. **any such decision by a Member State must be exceptional and well justified**. In this regard, it is also important to mention Recital 143 that requires Member States, when identifying such additional situations, “*to ensure compliance in particular with Articles 7 and 47 of the Charter*”, which respectively guarantee the respect for private and family life and right to an effective remedy and to a fair trial. The two provisions of the Charter, both defending fundamental rights of the clients, are the basis for the protection of professional secrecy/LPP. Consequently, even if Member States foresee additional exceptions to the exemption to report, these **exceptions must respect Articles 7 and 47 of the Charter when providing exceptions to professional secrecy/LPP**. Any measure on the level of the Member States which potentially infringes said fundamental rights has to be according to the jurisprudence of the ECHR and the ECJ, especially regarding its legality, legitimacy and proportionality.

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<sup>4</sup> Also, this provision obviously goes against the objective to create a single rulebook by resulting in a different application of the exemption in various Member States.

### III. Proposed interpretation regarding lawyers' reporting obligations - circumstances in which lawyers have to report

#### A. Exemption for lawyers

According to Article 70 par. 2, the exemption applies:

- *“in the course of ascertaining the legal position of that client”, or when lawyers perform “their task of defending or representing that client in, or concerning, judicial proceedings, including providing advice on instituting or avoiding such proceedings, regardless of whether such information is received or obtained before, during or after such proceedings.”*

It is not for this note to provide more than introductory comments regarding Article 70 and the perimeter of the exemption reserved to lawyers. The *rationale* of such exemption has been briefly addressed above and here it will be sufficient to refer to the text of the provision and to the various cases of both the ECtHR<sup>5</sup> and the Court of Justice of the EU<sup>6</sup> on point.

In *Ordre des Barreaux Francophones et Germanophone v. Conseil des Ministres*, the Court reiterated that *“lawyers would be unable to carry out satisfactorily their task of advising, defending and representing their clients, who would in consequence be deprived of the rights conferred on them by Article 6 of the ECHR, if lawyers were obliged, in the context of judicial proceedings or the preparation for such proceedings, to cooperate with the authorities by passing them information obtained in the course of related legal consultations”*<sup>7</sup> (see also the opinion of AG Maduro below). While assessing the AML Directive<sup>8</sup>, the Court considered the exemption regarding legal professional privilege, and reiterated the wording of the directive in stating that it would not be appropriate for Directive 91/308 to impose the obligation of reporting suspicions of money laundering on independent members of professions providing legal advice which are legally recognised and controlled, such as lawyers, where they are ascertaining the legal position of a client or representing a client in legal proceedings<sup>9</sup>. The Court acknowledged that this wording might lead to several interpretations and preference should be given to the interpretation which renders the provision consistent with the Treaties and fundamental rights protected by the Community legal order or with the other general principles of Community law.

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<sup>5</sup> As for the ECtHR, the most relevant cases are the following: *S. V. Switzerland* (1991); *Demirtaş and Yüksekdağ Senoğlu v. Türkiye* (1991); *Niemetz v. Germany* (1992); *Michaud v. France* (2012).

<sup>6</sup> The most important cases decided by the Court of Justice of the EU are the following: *AN & S v. Commission* (C-155/79, 4 February 1981); *J. C. J. Wouters, J. W. Savelbergh and Price Waterhouse Belastingadviseurs BV v. Algemene Raad van de Nederlandse Orde van Advocaten* (C-309/99, 19 February 2002); *Ordre des barreaux francophones et germanophones and Others v. Conseil des Ministres* (C-305/05, 26 June 2007 containing the well-known opinion of AG Maduro); *Orde van Vlaamse Balies, IG, Belgian Association of Tax Lawyers, CD, JU v Vlaamse Regering* (C-694/20, 8 December 2022). See also the case *Ordre des avocats du barreau de Luxembourg v. Administration des contributions directes* (C-432/23, 26 September 2024) in particular §§ 48-52 : *« [...] It follows from the foregoing considerations that, whatever the area of law to which it relates, legal advice given by a lawyer enjoys the strengthened protection guaranteed by Article 7 of the Charter to communications between lawyers and their clients. [...] »* This point has been recognised by the FATF which has provided in its interpretative note for FATF Recommendation 23 that *“It is for each country to determine the matters that would fall under legal professional privilege or professional secrecy”*,

<sup>7</sup> CJEU, Judgment in Case C-305/05, *Ordre des barreaux francophones et germanophones and Others v Conseil des ministres*, 26.06.2007, par.32.

<sup>8</sup> Directive 2001/97/EC of 4 December 2001 amending Council Directive 91/308/EEC on prevention of the use of the financial system for the purpose of money laundering.

<sup>9</sup> Recital 17 of the AML Directive.

Moreover, in the context of AML Legislation, the Court in the case of *Michaud v. France*<sup>10</sup>, found that legal professional privilege was protected by Article 8 ECHR. The Michaud decision emphasises the degree to which “*professional secrecy is of great importance .... for the proper administration of justice. It is without a doubt one of the fundamental principles on which the administration of justice in a democratic society is based.*” Ascertaining the legal position is a vital aspect of the requirement that democratic societies enable the proper administration of justice. Professional secrecy and legal professional privilege are fundamental to the process of ascertaining the legal position of the client by lawyers. Consequently, it is essential to preserve the fundamentals of those processes which were conceived with the rights of citizens in mind. These are all necessary to ensure that the EU and members states can continue to deliver on the promise of “*the proper administration of justice... in a democratic society...*”.

As anticipated above, the opinion of AG Maduro in Case C-305/05, par. 71-72, further expands: “*In view of the fundamental nature of the protection of lawyers' professional secrecy, it is fair to presume that a lawyer is acting in his specific capacity as a counsel or defence counsel. It is only if it is apparent that he has been employed for a task which compromises his independence that it will be appropriate to consider that he can be made subject to the obligation to inform provided for by the Directive. That assessment will have to be made on a case-by-case basis, under the guarantee of a judicial review.*”

The protection of legal professional privilege<sup>11</sup> is critical to upholding both fundamental rights and the effective administration of justice.

## B. Three exceptions

It is important to address the exceptions to the exemption.

According to Article 70 par.3., the exemption from reporting does not apply when, **first**, lawyers “*take part in money laundering, its predicate offences or terrorist financing*”.

This first exception should apply when the lawyer actually takes part, knowingly, to a money laundering or predicate offence, or terrorist financing offence.

**Second**, the exemption does not apply when lawyers “*provide legal advice for the purposes of money laundering, its predicate offences or terrorist financing*”. This second exception applies when the lawyer actually provides legal advice, **and** this happens for the purpose – and therefore with the direct, unequivocal aim – of money laundering or its predicate offences, or a terrorist financing offence

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<sup>10</sup> ECtHR, CASE OF MICHAUD v. FRANCE, Application no. 12323/11, 06.12.2012, [link](#).

<sup>11</sup> One should also underline that it is the exclusive competence of each Member state to define its content. Therefore, elaborating – for example - on what is included or excluded within the meaning of “*ascertaining the legal position of a client*” with regard to privilege can only be determined by national law. see FATF Interpretive Note to FATF Recommendation 23. This is also reinforced in the 2018 FATF Guidance on the Risk Based Approach for Legal Professionals where it is provided that: “*31. Each country needs to determine the matters that would fall under legal professional privilege or professional secrecy. This would normally cover some information that legal professionals receive from or obtain through their clients: (a) in the course of ascertaining the legal position of their clients, or (b) in performing their task of defending or representing their clients in, or concerning judicial, administrative, arbitration or mediation proceedings. There may be cases in which these professionals conduct activities that are clearly covered by the legal privilege (i.e. ascertaining the legal position of their client or defending or representing their client in judicial proceedings) alongside activities that may not be covered by it. In addition, within a single matter, privilege may attach to some but not all communications and advice.*” This might for example be illustrated with an example from Belgium. Belgian lawyers are currently exempted from the obligation to report an attempted suspicious transaction, if they manage to dissuade their client to pursue the intended transaction. This exemption is the result of a ruling by the Belgian Constitutional Court in 2020: “*The information of which the lawyer is aware regarding a suspicious transaction or an attempted suspicious transaction, which, following the lawyer's advice, his client refrains from carrying out, is obtained by the lawyer in the course of his legal advisory work as defined in B.12. Consequently, this information is covered by professional secrecy and, pursuant to Article 53 of the contested law, escapes the reporting obligation referred to in Article 47. It follows that the duty to report provided for in the second sentence of Article 47, § 1, 2°, of the Law of 18 September 2017, is without reasonable justification and must be annulled insofar as it concerns lawyers.*”

On this basis, it seems clear that, through this exception, the legislator does not intend to override the general nature of the reporting exemptions provided by Article 70, paragraph 2, subparagraph 1 of AMLR, to the extent protecting the overarching principle of professional secrecy, but rather to clarify that any advice for known ML/TF purposes or wilful involvement of a lawyer in the illegal activity of the client would not be covered by professional secrecy. This is in line with the legal tradition in the Member States, that any advice to commit crimes is not covered by legal privilege according to deontological rules on national level<sup>12</sup>.

**The third scenario** in which the exemption cannot be applied is when lawyers “*know that the client is seeking legal advice for the purposes of money laundering, its predicate offences or terrorist financing; knowledge or purpose may be inferred from objective factual circumstances.*”, respectively. The CCBE interprets this provision as referring to a scenario in which there is an attempt **by the client** to obtain advice for the purpose of ML, a predicate offence thereto or terrorist financing. As soon as the lawyer has obtained knowledge of the client’s purpose and still provides legal advice, the second scenario is most likely applicable.

This provision indicates that a lawyer cannot be deemed falling into these exceptions by the authorities, unless this can be based on “factual” and “objective” elements. The word “infer” indicates that there must be a direct causal link between the circumstances and the knowledge and purpose.

The provision protects the fundamental right of professional secrecy/legal professional privilege in the circumstances when authorities assess (including *post facto*) the lawyers’ behaviour.

The question to be asked by the authorities is ultimately: whether and how a lawyer knows that the client was seeking legal advice for the purpose of ML, a predicate offence thereto or terrorist financing. Clearly, the provision sets forth that the authorities must reach a conviction through the assessment of facts and objective elements of proof, and not through assumptions. The wording also makes clear that the authorities – in an *ex post* scenario – have to prove the objective factual circumstances that are the basis of actual knowledge.

The text does not foresee any additional obligation for lawyers to collect information. It is therefore clear that it is not expected from lawyers, in this context, to perform investigations in addition to KYC/CDD obligations.

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<sup>12</sup> This paper does not discuss criminal law consequences for lawyers. Criminal sanctions are applicable alongside the AML/TF regime.