

EUROPEAN MONETARY INSTITUTE

THE PRESIDENT

Basle, 16th March 1994

Our ref: CON/94/2

Mr. W. Kok
Minister of Finance
Korte Voorhout 7
Postbus 20201
NL-2500 EE 's Gravenhage
The Netherlands

Dear Minister,

Re: Consultation under Article 109f(6) of the Treaty on European Union and Article 5.3 of the Statute of the EMI regarding a draft Act of exchange offices

I write with reference to your letter dated 16th February 1994 regarding an Act which is currently being drafted in respect of the activities of exchange offices.

As far as the competence of the EMI to deal with this consultation is concerned, I consider that this is established under Article 1, section 1, second indent, of Council Decision 93/717/EC by the fact that the draft Act attributes a new supervisory task to De Nederlandsche Bank in combination with the fact that the aim of the draft Act - protecting the integrity of the financial markets and, more particularly, discouraging money laundering - is covered by the "stability of the financial markets" as mentioned in the same Article in the fifth indent.

With regard to the content of the draft Act, it does not give rise to any issues which, from the EMI's point of view, should be brought to your attention. The EMI recognises that the draft Act contributes to a development to which the Community attaches importance: discouraging money laundering (see also Directive 91/308/EEC on the prevention of the use of the financial system for the purpose of money laundering). The attribution of the supervision of exchange offices to De Nederlandsche Bank is in line with practice in at least some Member States and does not infringe the Treaty on European Union or its underlying principles. Finally, the elaboration of the supervision of exchange offices as contained in the draft Act does not give rise to any issues which should be addressed here.

Please note that the EMI does not have any objections towards this note being made public, in particular to other parties involved in the legislative process.

Yours sincerely,

[signed]

A. Lamfalussy