



C/2023/611

31.10.2023

COMMISSION DECISION

of 20 May 2022

on the exact functions that qualify as prominent public functions in the European Union institutions and bodies

(C/2023/611)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ⁽¹⁾, and in particular Article 20a(2) thereof,

Whereas:

- (1) Article 20a(2) of Directive (EU) 2015/849 provides that the European Commission is to compile and keep up to date the list of the exact functions which qualify as prominent public functions at the level of the Union institutions and bodies.
- (2) Article 3(9) of Directive (EU) 2015/849 defines a politically exposed person as a person who is or has been entrusted with a prominent public function and also includes a list of functions considered to be prominent public functions. However, Article 3(9) of that Directive does not make any reference to Union institutions and bodies in the context of prominent public functions. The functions considered as being prominent public functions at the level of the Union institutions or bodies should therefore be based on an assessment by analogy with the functions exercised in a Member State and included in Article 3(9), points (a) to (g), of that Directive, taking into account the specific institutional features of the Union.
- (3) Article 3(9), point (a), of Directive (EU) 2015/849 provides that heads of State, heads of government, ministers and deputy or assistant ministers are to be considered as politically exposed persons. By analogy, the Members of the College of the Commission, who have political responsibility and are politically accountable to the European Parliament, should be considered as being entrusted with prominent public functions. In that context, President of the European Council and the Secretary-General of the Council of the European Union ⁽²⁾ should also be considered as being entrusted with prominent public functions.
- (4) Article 3(9), point (b), of Directive (EU) 2015/849 provides that members of parliament or of similar legislative bodies are to be considered as being politically exposed persons. By analogy with those functions exercised in a Member State, the Members of the European Parliament should be considered as being entrusted with prominent public functions.
- (5) Article 3(9), point (d), of Directive (EU) 2015/849 provides that members of supreme courts, constitutional courts or of other high-level judicial bodies, the decisions of which are not subject to further appeal, except in exceptional circumstances, are to be considered as being politically exposed persons. By analogy with those functions exercised in a Member State, the Judges, Advocates-General and Registrar of the Court of Justice should be considered as being entrusted with prominent public functions.

⁽¹⁾ OJ L 141, 5.6.2015, p. 73.

⁽²⁾ The function of the Secretary-General of the Council of the European Union is provided for by the Treaties of the European Union and assimilated to the function of the Members of the institutions.

- (6) Article 3(9), point (e), of Directive (EU) 2015/849 provides that members of courts of auditors or of the boards of central banks are to be considered as being politically exposed persons. By analogy with those functions exercised in a Member State, in the European Central Bank, the President, the Vice-President and the other Members of the Executive Board, the Members of the Governing Council and the General Council, as well as the Chair, the Vice-Chair and the other Members of the Supervisory Board should be considered as being entrusted with prominent public functions. The Governors of the national central banks of the Member States whose currency is the euro, who are Members of the Governing Council and of the General Council of the European Central Bank, and the Governors of the national central banks of the other Member States who are Members of the General Council of the European Central Bank are included in the lists of prominent public functions at national level. Such an inclusion is without prejudice to their status and independence when they exercise the powers and carry out the tasks and duties conferred upon them by the Treaties and by the Statute of the European System of Central Banks and of the European Central Bank, in accordance with Article 7 of that Statute. The Members of the European Court of Auditors should also be considered as being entrusted with prominent public functions.
- (7) Article 3(9), point (f), of Directive (EU) 2015/849 provides that ambassadors, *chargés d'affaires* and high-ranking officers in the armed forces are to be considered as being politically exposed persons. By analogy with those functions exercised in a Member State, in the European External Action Service, Heads of Union delegations or representative offices of the Union to a third country or to an international organisation, within the meaning of Article 221 of the Treaty on the Functioning of the European Union (that is, having the diplomatic rank of ambassador or '*chargé d'affaires*') should be considered as being entrusted with prominent public functions. Article 20a(2) of Directive (EU) 2015/849 provides that the list compiled by the Commission is to include any function which may be entrusted to representatives of third countries and of international bodies accredited at Union level. Therefore, Heads of Mission of third countries and of international organisations accredited to the Union should be considered as being entrusted with prominent public functions,

HAS DECIDED AS FOLLOWS:

Sole Article

The following functions qualify as prominent public functions in the Union institutions and bodies:

- (1) the functions of the President of the European Council and the Secretary-General of the Council of the European Union;
- (2) the functions of the Members of the European Parliament;
- (3) the functions of the Members of the European Commission;
- (4) the functions of the Judges, Advocates-General and Registrar of the Court of Justice;
- (5) in the European Central Bank, the functions of:
 - (a) the President, the Vice-President and the other Members of the Executive Board;
 - (b) the Members of the Governing Council and the General Council;
 - (c) the Chair, the Vice-Chair and the other Members of the Supervisory Board;
- (6) the functions of the Members of the European Court of Auditors;
- (7) in the European External Action Service, the functions of:
 - (a) Heads of Union delegations or representative offices of the Union to a third country or to an international organisation, within the meaning of Article 221 of the Treaty on the Functioning of the European Union;
 - (b) Heads of Mission of third countries and of international organisations accredited to the Union.

Done at Brussels, 20 May 2022.

For the Commission
Mairead MCGUINNESS
Member of the Commission
