

Reactie Europese Commissie

There is no contradiction between the regulatory approach taken in PSD3 towards independently deployed ATM machines and the AML/CFT risk assessment made in the SNRA, as the respective risks assessed are not the same.

The assessment made in the framework of the PSD3 focuses on the potential risks that these ATM deployers could present to the payment systems and consumers, in order to define the appropriate supervisory regime to mitigate those potential risks to payment systems and consumers.

The paragraph of the SNRA assesses the potential risks of abuse of those ATM machines (both for cash and for virtual currencies, so-called crypto ATMs) by criminals for ML/TF purposes, and it further analyses the potential threat of the criminal modi operandi as reported by the Law Enforcement Authorities (including “illegal” ATMs). As a consequence, like for other reported ML/TF modi operandi concerning illicit cash, the vulnerability and risk level for these independently deployed ATM machines have been considered as very significant in the SNRA and further mitigating measures are suggested to address those risks.