



## RESPONSE PAPER

Consultation regarding amendments to the EU  
Legislation (Information Accompanying Transfers  
of Funds) (Jersey) Regulations 2017

CONSULTATION REGARDING AMENDMENTS TO THE EU LEGISLATION  
(INFORMATION ACCOMPANYING TRANSFERS OF FUNDS) (JERSEY)  
REGULATIONS 2017

**RESPONSE PAPER**

**BACKGROUND**

On 17 April 2023, the Government of Jersey published a [consultation](#) regarding proposed amendments (the “**Draft Amendments**”) to the [EU Legislation \(Information Accompanying Transfers of Funds\) \(Jersey\) Regulations 2017](#) (the “**Wire Transfers Regulations**”).

The Draft Amendments look to bring Virtual Asset Service Providers (VASPs) and Money or Value Transfer Services (MVTs) into the scope of the Wire Transfers Regulations which will require VASPs and MVTs to obtain, hold and submit accurate payer and payee information regarding transfers of funds and virtual assets, in line with FATF Recommendations 15 and 16.

The consultation closed on 12 May 2023 and in total, Government received four responses to the consultation.

Since then, Government has considered all the feedback received as part of its policy formation. The responses to the consultation are summarised below and Government has stated its position in relation to the questions posed in the consultation.

Further questions or comments relating to this Response Paper may be directed to:

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## QUESTIONS AND RESPONSES

### **Question 1: Do you agree with the way the definition of payment service provider is amended to include VASPs and MVTs, if not, please explain.**

The responses to Question 1 were supportive and respondents welcomed the extension of the definition of payment service provider to include VASPs and MVTs.

One respondent considered it essential that Jersey continues to apply appropriate levels of AML/CFT measures to ensure compliance with the FATF Recommendations. This was combined with their expectation that the EU might consider Jersey's level of regulatory oversight as equivalent upon the roll out of similar measures across member states.

Given the supportive feedback, Government considers it appropriate to move forward with the proposed inclusion of VASPs and MVTs in the payment service provider definition.

### **Question 2: Do you agree with the way the de minimis exemption is introduced, if not, please explain.**

Respondents generally agreed with the way the de minimis exemption is introduced and with the de minimis amount, which was considered to be at an adequate level.

Additionally, some respondents asked for further guidance for example, regarding proprietary, intra-entity or intra-group transfers or regarding the approach to unregulated VASPs in foreign jurisdictions (sunrise issue).

Government acknowledges the respondents request for further guidance on certain aspects of the technical implementation of the new statutory requirements and refers to the Jersey Financial Services Commission, which, as the designated supervisor for AML/CFT purposes, has the remit to publish further guidance regarding the interpretation and implementation of the new requirements.

Given the supportive feedback, Government considers it appropriate to move forward with the proposed de minimis exemption.

### **Question 3: Do you have any other comments regarding the Draft Amendments?**

One respondent reiterated their support for the Draft Amendments, which they consider suitable to enable them a streamlined regulatory oversight for their business outside of Jersey and across several jurisdictions. They also expressed the view that the Draft Amendments provide further assurance that Jersey is the right place to do business in the long term, as the Draft Amendments work towards maintaining a reputation as a robustly regulated jurisdiction on par with mainland EU.

The other responses to Question 3 were mainly seeking additional guidance with respect to the sunrise issue, data format and data protection questions, the in-force date and whether there will be a grace period.

Regarding the in-force date, Government has not been provided with any objections or reasons why the Draft Amendments cannot be brought into force on 1 September 2023 as proposed and will therefore continue on that basis.

With regards to the requests for further guidance on the other matters, and as mentioned above, Government acknowledges the respondents requests regarding certain aspects of the technical implementation of the new statutory requirements, and refers to the Jersey Financial Services Commission, which, as the designated supervisor for AML/CFT purposes, has the remit to publish further guidance regarding the interpretation and implementation of the new requirements.

Based on the feedback received, Government considers it appropriate to move forward with the Draft Amendments as proposed and looks to lodge the Draft Amendments for a debate by the States Assembly at the next possible date.

Government would like to take this opportunity to thank all consultation respondents for their feedback.

**END**