



**2018/0105(COD)**

29.10.2018

# **AMENDMENTS**

## **39 - 220**

**Draft report**

**Emil Radev**

(PE628.460v01-00)

Rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences

Proposal for a directive

(COM(2018)0213 – C8-0152/2018 – 2018/0105(COD))



#### Amendment 39

Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo

#### Proposal for a directive

##### Title 1

*Text proposed by the Commission*

Proposal for a

DIRECTIVE OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL

laying down rules facilitating the use of  
financial and other information for the  
prevention, detection, investigation or  
prosecution of **certain** criminal offences  
and repealing Council Decision  
2000/642/JHA

*Amendment*

Proposal for a

DIRECTIVE OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL

laying down rules facilitating the use of  
financial and other information for the  
prevention, detection, investigation or  
prosecution of **serious** criminal offences  
and repealing Council Decision  
2000/642/JHA

Or. it

#### Amendment 40

Kostas Chrysogonos

#### Proposal for a directive

##### Recital 1

*Text proposed by the Commission*

(1) Facilitating the use of financial  
information is necessary to prevent, detect,  
investigate or prosecute **serious crimes**.

*Amendment*

(1) Facilitating the use of financial  
information is necessary to prevent, detect,  
investigate or prosecute **specific criminal  
offences, in particular money laundering,  
the associate predicate offences and  
terrorist financing**.

Or. en

#### Amendment 41

Maria Gabriela Zoană

#### Proposal for a directive

##### Recital 1

*Text proposed by the Commission*

(1) Facilitating the use of financial information is necessary to prevent, detect, investigate or prosecute ***serious crimes***.

*Amendment*

(1) Facilitating the use of financial information is necessary to prevent, detect, investigate or prosecute ***crimes of terrorism and the funding thereof***.

Or. ro

**Amendment 42**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 2**

*Text proposed by the Commission*

(2) In order to enhance security in the Member States and across the Union, it is necessary to improve access to information by Financial Intelligence Units and public authorities responsible for the prevention, detection, investigation or prosecution of ***serious forms of crimes***, to enhance their ability to conduct financial investigations and to improve cooperation between them.

*Amendment*

(2) In order to enhance security in the Member States and across the Union, it is necessary to improve access to information by Financial Intelligence Units and public authorities responsible for the prevention, detection, investigation or prosecution of ***specific criminal offences, in particular money laundering, the associate predicate offences and terrorist financing, as well as*** to enhance their ability to conduct financial investigations and to improve cooperation between them.

Or. en

**Amendment 43**  
**Maria Gabriela Zoană**

**Proposal for a directive**  
**Recital 2**

*Text proposed by the Commission*

(2) In order to enhance security in the Member States and across the Union, it is necessary to improve access to information by Financial Intelligence Units and public authorities responsible for the prevention,

*Amendment*

(2) In order to enhance security in the Member States and across the Union, it is necessary to improve access to information by Financial Intelligence Units and public authorities responsible for the prevention,

detection, investigation or prosecution of serious forms of **crimes**, to enhance their ability to conduct financial investigations and to improve cooperation between them.

detection, investigation or prosecution of **particularly** serious forms of **crime that endanger national and international security** to enhance their ability to conduct financial investigations and to improve cooperation between them.

Or. ro

#### **Amendment 44**

**Morten Helveg Petersen, Nathalie Griesbeck, Gérard Deprez, Maite Pagazaurtundúa Ruiz, Sophia in 't Veld**

#### **Proposal for a directive Recital 2**

##### *Text proposed by the Commission*

(2) In order to enhance security in the Member States and across the Union, it is necessary to improve access to information by Financial Intelligence Units and public authorities responsible for the prevention, detection, investigation or prosecution of serious forms of crimes, to enhance their ability to conduct financial investigations and to improve cooperation between them.

##### *Amendment*

(2) In order to enhance security, **combat money laundering and prevent tax evasion** in the Member States and across the Union, it is necessary to improve access to information by Financial Intelligence Units and public authorities responsible for the prevention, detection, investigation or prosecution of serious forms of crimes, to enhance their ability to conduct financial investigations and to improve cooperation between them.

Or. en

#### **Amendment 45**

**Eva Joly**

#### **Proposal for a directive Recital 2**

##### *Text proposed by the Commission*

(2) In order to enhance security in the Member States and across the Union, it is necessary to improve access to information by Financial Intelligence Units and public authorities responsible for the prevention,

##### *Amendment*

(2) In order to enhance security **and prosecution of financial crimes** in the Member States and across the Union, it is necessary to improve access to information by Financial Intelligence Units and public

detection, investigation or prosecution of serious forms of crimes, to enhance their ability to conduct financial investigations and to improve cooperation between them.

authorities responsible for the prevention, detection, investigation or prosecution of serious forms of crimes, to enhance their ability to conduct financial investigations and to improve cooperation between them.

Or. en

#### **Amendment 46**

**Morten Helveg Petersen, Nathalie Griesbeck, Gérard Deprez, Maite Pagazaurtundúa Ruiz, Sophia in 't Veld**

#### **Proposal for a directive**

#### **Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Financial fraud and money laundering affect the European tax payers. Combating those crimes, therefore, remains a vital priority for the EU.***

Or. en

#### **Amendment 47**

**Eva Joly**

#### **Proposal for a directive**

#### **Recital 6**

*Text proposed by the Commission*

*Amendment*

(6) Immediate and direct access to the information held in centralised bank account registries is often indispensable for the success of a criminal investigation or for the timely identification, tracing and freezing of the related assets in view of their confiscation. Direct access is the most immediate type of access to the information held in centralised bank account registries. This Directive should therefore lay down rules granting direct access to information held in centralised

(6) Immediate and direct access to the information held in centralised bank account registries is often indispensable for the success of a criminal investigation or for the timely identification, tracing and freezing of the related assets in view of their confiscation. Direct access is the most immediate type of access to the information held in centralised bank account registries. This Directive should therefore lay down rules granting direct access to information held in centralised

bank account registries to designated Member States' authorities **and other bodies** competent for the prevention, detection, investigation or prosecution of criminal offences.

bank account registries to designated Member States' authorities competent for the prevention, detection, investigation or prosecution of criminal offences.

Or. en

**Amendment 48**  
**Maria Gabriela Zoană**

**Proposal for a directive**  
**Recital 7**

*Text proposed by the Commission*

(7) Given that in each Member States there are numerous authorities or bodies which are competent for the prevention, detection, investigation or prosecution of criminal offences, and in order to ensure a proportionate access to financial and other information under the present Directive, Member States **should be** required to designate which authorities should be empowered to have access to the centralised bank account registries and request information from Financial Intelligence Units for the purposes of this Directive.

*Amendment*

(7) Given that in each Member States there are numerous authorities or bodies which are competent for the prevention, detection, investigation or prosecution of criminal offences, and in order to ensure a proportionate access to financial and other information under the present Directive, Member States **are** required to designate which authorities should be empowered to have access to the centralised bank account registries and request information from Financial Intelligence Units for the purposes of this Directive **and are also required to delimit their powers.**

Or. ro

**Amendment 49**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 8**

*Text proposed by the Commission*

(8) Asset Recovery Offices should be designated among the competent authorities and have direct access to the information held in centralised bank

*Amendment*

(8) Asset Recovery Offices should be designated among the competent authorities and have direct access to the information held in centralised bank

account registries when preventing, detecting or investigating *a specific serious criminal offence* or supporting a *specific* criminal investigation, including the identification, tracing and freezing of assets.

account registries when preventing, detecting or investigating specific criminal *offences, and in particular money laundering, the associate predicate offences, terrorist financing* or supporting a *relevant* criminal investigation, including the identification, tracing and freezing of assets.

Or. en

## Amendment 50

**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

### Proposal for a directive

#### Recital 8

##### *Text proposed by the Commission*

(8) Asset Recovery Offices should be designated among the competent authorities and *have direct* access to the information held in centralised bank account registries when preventing, detecting or investigating a specific serious criminal offence or supporting a specific criminal investigation, including the identification, tracing and freezing of assets.

##### *Amendment*

(8) Asset Recovery Offices should be designated among the competent authorities and *be able to have* access, *in accordance with national laws*, to the information held in centralised bank account registries when preventing, detecting or investigating a specific serious criminal offence or supporting a specific criminal investigation, including the identification, tracing and freezing of assets.

Or. it

## Amendment 51

**Helga Stevens**

### Proposal for a directive

#### Recital 9

##### *Text proposed by the Commission*

(9) To the extent that tax authorities and anti-corruption agencies are competent for the prevention, detection, investigation or prosecution of criminal offences under

##### *Amendment*

(9) To the extent that tax authorities and anti-corruption agencies are competent for the prevention, detection, investigation or prosecution of criminal offences under



national law, they should also be considered authorities that can be designated for the purposes of this Directive. Administrative investigations should not be covered under the present Directive.

national law, they should also be considered authorities that can be designated for the purposes of this Directive. Administrative investigations should not be covered under the present Directive ***unless they are conducted by the Financial Intelligence Units in the context of preventing, detecting and effectively combatting money laundering and terrorism financing.***

Or. en

## **Amendment 52**

**Maria Gabriela Zoană**

### **Proposal for a directive**

#### **Recital 9**

##### *Text proposed by the Commission*

(9) To the extent that tax authorities and anti-corruption agencies are competent for the prevention, detection, investigation or prosecution of criminal offences under national law, they ***should*** also be considered authorities that can be designated for the purposes of this Directive. Administrative investigations ***should*** not be covered under the present Directive.

##### *Amendment*

(9) To the extent that tax authorities and anti-corruption agencies are competent for the prevention, detection, investigation or prosecution of criminal offences under national law, they ***must*** also be considered authorities that can be designated for the purposes of this Directive. Administrative investigations ***must*** not be covered under the present Directive.

Or. ro

## **Amendment 53**

**Maria Gabriela Zoană**

### **Proposal for a directive**

#### **Recital 10**

##### *Text proposed by the Commission*

(10) The perpetrators of criminal offences, in particular criminal groups and terrorists, often operate across different

##### *Amendment*

(10) The perpetrators of criminal offences, in particular criminal groups and terrorists, often operate across different

Member States and their assets, including bank accounts, are often located in other Member States. Given the cross-border dimension of serious crimes, including terrorism, and of the related financial activities, it is often necessary for competent authorities carrying out investigations to access information on bank accounts held in other Member States.

Member States and their assets, including bank accounts, are often located in other Member States. Given the cross-border dimension of serious crimes, including terrorism, and of the related financial activities, it is often necessary for competent authorities carrying out investigations to access information on bank accounts held in other Member States, *respecting the legal framework provisions and the principles of international cooperation in matters of criminal law.*

Or. ro

**Amendment 54**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 10**

*Text proposed by the Commission*

(10) The perpetrators of criminal offences, in particular criminal groups and terrorists, often operate across different Member States and their assets, including bank accounts, are often located in other Member States. Given the cross-border dimension of *serious crimes, including terrorism*, and of *the* related financial activities, it is often necessary for competent authorities carrying out investigations to access information on bank accounts held in other Member States.

*Amendment*

(10) The perpetrators of criminal offences, in particular criminal groups and terrorists, often operate across different Member States and their assets, including bank accounts, are often located in other Member States. Given the cross-border dimension of *specific criminal offences, in particular money laundering, the associate predicate offences, terrorist financing*, and of *other* related *criminal* financial activities, it is often necessary for competent authorities carrying out investigations to access information on bank accounts held in other Member States.

Or. en

**Amendment 55**  
**Morten Helveg Petersen, Nathalie Griesbeck, Gérard Deprez, Maite Pagazaurtundúa Ruiz, Sophia in 't Veld**

**Proposal for a directive**  
**Recital 10**

*Text proposed by the Commission*

(10) The perpetrators of criminal offences, ***in particular*** criminal groups and ***terrorists, often*** operate across different Member States and their assets, including bank accounts, are often located in other Member States. Given the cross-border dimension of serious crimes, including terrorism, and of the related financial activities, it is often necessary for competent authorities carrying out investigations to access information on bank accounts held in other Member States.

*Amendment*

(10) The perpetrators of criminal offences, ***such as financial fraud and money laundering, are often*** criminal groups and ***terrorist organisations, who*** operate across different Member States and their assets, including bank accounts, are often located in other Member States. Given the cross-border dimension of serious crimes, including terrorism, and of the related financial activities, it is often necessary for competent authorities carrying out ***criminal*** investigations to access information on bank accounts held in other Member States.

Or. en

**Amendment 56**  
**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

**Proposal for a directive**  
**Recital 11**

*Text proposed by the Commission*

(11) The information acquired by competent authorities from the national centralised bank account registries can be exchanged with competent authorities located in a different Member State, in accordance with Council Framework Decision 2006/960/JHA<sup>14</sup> and Directive 2014/41/EU<sup>15</sup> of the European Parliament and the Council.

*Amendment*

(11) The information acquired by competent authorities from the national centralised bank account registries can be exchanged with competent authorities located in a different Member State, in accordance with Council Framework Decision 2006/960/JHA<sup>14</sup> and Directive 2014/41/EU ***of the European Parliament and the Council***<sup>15</sup>, ***in compliance with the data protection provisions laid down in Directive 2016/680/EU*** of the European Parliament and ***of*** the Council<sup>15 a</sup>.

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<sup>14</sup> Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the

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<sup>14</sup> Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the

exchange of information and intelligence between law enforcement authorities of the Member States of the European Union, OJ L 386 of 29.12.2006, p. 89.

<sup>15</sup> Directive 2014/41/EU of 3 April 2014 regarding the European Investigation Order in criminal matters, OJ L 130 of 1.5.2014, p. 1.

exchange of information and intelligence between law enforcement authorities of the Member States of the European Union, OJ L 386 of 29.12.2006, p. 89.

<sup>15</sup> Directive 2014/41/EU of 3 April 2014 regarding the European Investigation Order in criminal matters, OJ L 130 of 1.5.2014, p. 1.

<sup>15 a</sup> ***Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.***

Or. it

## Amendment 57

Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo

### Proposal for a directive

#### Recital 12

##### *Text proposed by the Commission*

(12) Directive (EU) 2015/849 has substantially enhanced the Union legal framework that governs the activity and cooperation of Financial Intelligence Units. The powers of Financial Intelligence Units include the right to access the financial, administrative and law enforcement information that they require to combat money laundering, the associated predicate offences and terrorist financing. Nevertheless, ***Union law does not lay down all specific tools and mechanisms that Financial Intelligence Units must have at their disposal in order to access such information and accomplish their tasks.***

##### *Amendment*

(12) Directive (EU) 2015/849 has substantially enhanced the Union legal framework that governs the activity and cooperation of Financial Intelligence Units. The powers of Financial Intelligence Units include the right to access the financial, administrative and law enforcement information that they require to combat money laundering, the associated predicate offences and terrorist financing. Nevertheless, ***the exchange of information between law enforcement or prosecution services and Financial Intelligence Units remains insufficient. However, Member States remain entirely responsible for the***

*Since* Member States remain entirely responsible for the setting up and deciding the organisational nature of Financial Intelligence Units, different Financial Intelligence Units have varying degrees of access to regulatory databases *which leads to an insufficient exchange of information between law enforcement or prosecution services and Financial Intelligence Units.*

setting up and deciding the organisational nature of Financial Intelligence Units *and* different Financial Intelligence Units have varying degrees of access to *the* regulatory databases *established under national laws.*

Or. it

## **Amendment 58** **Helga Stevens**

### **Proposal for a directive** **Recital 12**

#### *Text proposed by the Commission*

(12) Directive (EU) 2015/849 has substantially enhanced the Union legal framework that governs the activity and cooperation of Financial Intelligence Units. The powers of Financial Intelligence Units include the right to access the financial, administrative and law enforcement information that they require to combat money laundering, the associated predicate offences and terrorist financing. Nevertheless, Union law does not lay down all specific tools and mechanisms that Financial Intelligence Units must have at their disposal in order to access such information and accomplish their tasks. Since Member States remain entirely responsible for the setting up and deciding the organisational nature of Financial Intelligence Units, different Financial Intelligence Units have varying degrees of access to regulatory databases which leads to an insufficient exchange of information between law enforcement or prosecution services and Financial Intelligence Units.

#### *Amendment*

(12) Directive (EU) 2015/849 has substantially enhanced the Union legal framework that governs the activity and cooperation of Financial Intelligence Units, *the legal status of which varies across Member States from administrative to law enforcement to hybrid ones.* The powers of Financial Intelligence Units include the right to access the financial, administrative and law enforcement information that they require to combat money laundering, the associated predicate offences and terrorist financing. Nevertheless, Union law does not lay down all specific tools and mechanisms that Financial Intelligence Units must have at their disposal in order to access such information and accomplish their tasks. Since Member States remain entirely responsible for the setting up and deciding the organisational nature of Financial Intelligence Units, different Financial Intelligence Units have varying degrees of access to regulatory databases which leads to an insufficient exchange of information between law enforcement or prosecution services and Financial

#### **Amendment 59**

**Morten Helveg Petersen, Nathalie Griesbeck, Gérard Deprez, Maite Pagazaurtundúa Ruiz, Sophia in 't Veld**

#### **Proposal for a directive Recital 12**

##### *Text proposed by the Commission*

(12) Directive (EU) 2015/849 has substantially enhanced the Union legal framework that governs the activity and cooperation of Financial Intelligence Units. The powers of Financial Intelligence Units include the right to access the financial, administrative and law enforcement information that they require to combat money laundering, the associated predicate offences and terrorist financing. Nevertheless, Union law does not lay down all specific tools and mechanisms that Financial Intelligence Units must have at their disposal in order to access such information and accomplish their tasks. Since Member States remain entirely responsible for the setting up and deciding the organisational nature of Financial Intelligence Units, different Financial Intelligence Units have varying degrees of access to regulatory databases which leads to an insufficient exchange of information between law enforcement or prosecution services and Financial Intelligence Units.

##### *Amendment*

(12) Directive (EU) 2015/849 has substantially enhanced the Union legal framework that governs the activity and cooperation of Financial Intelligence Units, ***including the possibility of establishing a coordination and support mechanism.*** The powers of Financial Intelligence Units include the right to access the financial, administrative and law enforcement information that they require to ***prevent, detect and*** combat money laundering, the associated predicate offences and terrorist financing. Nevertheless, Union law does not lay down all specific tools and mechanisms that Financial Intelligence Units must have at their disposal in order to access such information and accomplish their tasks. Since Member States remain entirely responsible for the setting up and deciding the organisational nature of Financial Intelligence Units, different Financial Intelligence Units have varying degrees of access to regulatory databases which leads to an insufficient exchange of information between law enforcement or prosecution services and Financial Intelligence Units.

#### **Amendment 60 Helga Stevens**

**Proposal for a directive**  
**Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

**(12a) The provisions of this Directive should not affect the operational independence and autonomy of the Financial Intelligence Units under Directive (EU) 2015/849 and should be in line with that Directive, meaning that the Financial Intelligence Units should continue to have the authority and capacity to carry out its functions freely, including the ability to take autonomous decisions to analyse, request and disseminate specific information.**

Or. en

**Amendment 61**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel**

**Proposal for a directive**  
**Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

**(12a) The provisions of this Directive should not affect the operational independence and autonomy of the Financial Intelligence Units as established in Article 32 (3) of Directive (EU) 2015/849.**

Or. en

**Amendment 62**

**Maria Gabriela Zoană**

**Proposal for a directive**  
**Recital 13**

*Text proposed by the Commission*

(13) In order to enhance legal certainty and operational effectiveness, this Directive should lay down rules to strengthen the Financial Intelligence Units' ability to share information with their designated competent authorities for all serious criminal offences.

*Amendment*

(13) In order to enhance legal certainty and operational effectiveness, this Directive should lay down rules to strengthen the Financial Intelligence Units' ability to share information with their designated competent authorities for all serious criminal offences ***with highly dangerous consequences in terms of peace, security and law and order.***

Or. ro

**Amendment 63**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 13**

*Text proposed by the Commission*

(13) In order to enhance legal certainty and operational effectiveness, this Directive should lay down rules to strengthen the Financial Intelligence Units' ability to share information with their designated competent authorities ***for all serious criminal*** offences.

*Amendment*

(13) In order to enhance legal certainty and operational effectiveness, this Directive should lay down rules to strengthen the Financial Intelligence Units' ability to share information with their designated competent authorities, ***in particular for money laundering, the associate predicate offences and terrorist financing.***

Or. en

**Amendment 64**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 14**

*Text proposed by the Commission*

(14) This Directive should also set out a clearly defined legal framework to enable Financial Intelligence Units to request

*Amendment*

(14) This Directive should also set out a clearly defined legal framework to enable Financial Intelligence Units to request



relevant data stored by designated competent authorities in order to enable them to prevent and combat money laundering, the associated predicate offences **and** terrorist financing effectively.

relevant data stored by designated competent authorities in order to enable them to prevent and combat money laundering, the associated predicate offences, terrorist financing effectively, ***whilst fully respecting the fundamental rights.***

Or. en

## **Amendment 65**

**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

### **Proposal for a directive**

#### **Recital 14**

##### *Text proposed by the Commission*

(14) This Directive should also set out a clearly defined legal framework to enable Financial Intelligence Units to request relevant data stored by designated competent authorities in order to enable them to prevent and combat money laundering, the associated predicate offences and terrorist financing effectively.

##### *Amendment*

(14) This Directive should also set out a clearly defined legal framework to enable Financial Intelligence Units to request ***access to*** relevant data stored by designated competent authorities in order to enable them to prevent and combat money laundering, the associated predicate offences and terrorist financing effectively.

Or. it

## **Amendment 66**

**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

### **Proposal for a directive**

#### **Recital 15**

##### *Text proposed by the Commission*

(15) Sharing information between Financial Intelligence Units and with competent authorities should only be permitted where it is necessary on a case-by-case basis, either for the prevention, detection, investigation or prosecution of serious criminal offences or for money laundering, the associated predicate

##### *Amendment*

(15) Sharing information between Financial Intelligence Units and with competent authorities should only be permitted where it is necessary on a case-by-case basis, either for the prevention, detection, investigation or prosecution of serious criminal offences ***as defined by this Directive***, or for money laundering, the

offences and terrorist financing.

associated predicate offences and terrorist financing.

Or. it

#### **Amendment 67**

**Kostas Chrysogonos**

#### **Proposal for a directive**

##### **Recital 15**

*Text proposed by the Commission*

(15) Sharing information between Financial Intelligence Units and with competent authorities should only be permitted where it is necessary on a case-by-case basis, ***either*** for the prevention, detection, investigation or prosecution of ***serious criminal offences or for*** money laundering, the associated predicate offences and terrorist financing.

*Amendment*

(15) Sharing information between Financial Intelligence Units and with competent authorities should only be permitted where it is necessary ***and sufficiently reasoned*** on a case-by-case basis, ***in particular*** for the prevention, detection, investigation or prosecution of money laundering, the associated predicate offences and terrorist financing.

Or. en

#### **Amendment 68**

**Helga Stevens**

#### **Proposal for a directive**

##### **Recital 15**

*Text proposed by the Commission*

(15) Sharing information between Financial Intelligence Units and with competent authorities should only be permitted where it is necessary on a case-by-case basis, ***either*** for the prevention, detection, investigation or prosecution of serious criminal offences ***or*** for money laundering, the associated predicate offences and terrorist financing.

*Amendment*

(15) Sharing information between Financial Intelligence Units and with competent authorities should only be permitted where it is necessary on a case-by-case basis, for the prevention, detection, investigation or prosecution of serious criminal offences, for money laundering, the associated predicate offences and terrorist financing.

Or. en

**Amendment 69**  
**Maria Gabriela Zoană**

**Proposal for a directive**  
**Recital 15**

*Text proposed by the Commission*

(15) Sharing information between Financial Intelligence Units and with competent authorities *should* only be permitted where it is necessary on a case-by-case basis, *either* for the prevention, detection, investigation or prosecution of serious criminal offences or for money laundering, the associated predicate offences and terrorist financing.

*Amendment*

(15) Sharing information between Financial Intelligence Units and with competent authorities *must* only be permitted where it is necessary on a case-by-case basis, for the prevention, detection, investigation or prosecution of serious criminal offences or for money laundering, the associated predicate offences and terrorist financing.

Or. ro

**Amendment 70**  
**Eva Joly**

**Proposal for a directive**  
**Recital 16**

*Text proposed by the Commission*

(16) In order to prevent and combat money laundering, the associated predicate offences and terrorist financing more effectively and to reinforce its role in providing financial information and analysis, a Financial Intelligence Unit should be empowered to exchange information or analysis already in its possession or which can be obtained from obliged entities at the request of another Financial Intelligence Unit or of a competent authority in its Member State. This exchange should not hamper a Financial Intelligence Unit's active role in disseminating its analysis to other Financial Intelligence Units where that analysis reveals facts, conduct or suspicion

*Amendment*

(16) In order to prevent and combat money laundering, the associated predicate offences and terrorist financing more effectively and to reinforce its role in providing financial information and analysis, a Financial Intelligence Unit should be empowered to exchange information or analysis already in its possession or which can be obtained from obliged entities at the request of another Financial Intelligence Unit or of a competent authority in its Member State. This exchange should not hamper a Financial Intelligence Unit's active role in disseminating its analysis to other Financial Intelligence Units where that analysis reveals facts, conduct or suspicion

of money laundering and terrorist financing of direct interest to those other Financial Intelligence Units. Financial analysis covers operational analysis which focuses on individual cases and specific targets or on appropriate selected information, depending on the type and volume of the disclosures received and the expected use of the information after dissemination as well as strategic analysis addressing money laundering and terrorist financing trends and patterns. However, this Directive should be without prejudice to the organisational status and role conferred to Financial Intelligence Units under the national law of Member States.

of money laundering and terrorist financing of direct interest to those other Financial Intelligence Units. Financial analysis covers operational analysis which focuses on individual cases and specific targets or on appropriate selected information, depending on the type and volume of the disclosures received and the expected use of the information after dissemination as well as strategic analysis addressing money laundering and terrorist financing trends and patterns. However, this Directive should be without prejudice to the organisational status and role conferred to Financial Intelligence Units under the national law of Member States. ***In particular, FIUs should be under no obligation to comply with the request for information where there are objective grounds for assuming that the provision of such information would have a negative impact on ongoing investigations or analyses, or, in exceptional circumstances, where disclosure of the information would be clearly disproportionate to the legitimate interests of a natural or legal person or irrelevant with regard to the purposes for which it has been requested. Any refusal to comply with a request for information from another Financial Investigation Unit or from a competent authority in its Member State should be appropriately explained.***

Or. en

## **Amendment 71**

**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

### **Proposal for a directive**

#### **Recital 16**

*Text proposed by the Commission*

(16) In order to prevent and combat money laundering, the associated predicate offences and terrorist financing more

*Amendment*

(16) In order to prevent and combat money laundering, the associated predicate offences and terrorist financing more

effectively *and to reinforce its role in providing financial information and analysis*, a Financial Intelligence Unit should be empowered to exchange information *or analysis* already in its possession or which can be obtained from obliged entities at the request of another Financial Intelligence Unit or of a competent authority in its Member State. This exchange should not hamper a Financial Intelligence Unit's active role in disseminating its *analysis* to other Financial Intelligence Units where that *analysis* reveals facts, conduct or suspicion of money laundering and terrorist financing of direct interest to those other Financial Intelligence Units. *Financial analysis covers operational analysis which focuses on individual cases and specific targets or on appropriate selected information, depending on the type and volume of the disclosures received and the expected use of the information after dissemination as well as strategic analysis addressing money laundering and terrorist financing trends and patterns.* However, this Directive should be without prejudice to the organisational status and role conferred to Financial Intelligence Units under the national law of Member States.

effectively, a Financial Intelligence Unit should be empowered to exchange information already in its possession or which can be obtained from obliged entities at the request of another Financial Intelligence Unit or of a competent authority in its Member State. This exchange should not hamper a Financial Intelligence Unit's active role in disseminating its *own information* to other Financial Intelligence Units where that *information* reveals facts, conduct or suspicion of money laundering and terrorist financing of direct interest to those other Financial Intelligence Units. However, this Directive should be without prejudice to the organisational status and role conferred to Financial Intelligence Units under the national law of Member States.

Or. it

## Amendment 72 Kostas Chrysogonos

### Proposal for a directive Recital 16

#### *Text proposed by the Commission*

(16) In order to prevent and combat money laundering, the associated predicate offences and terrorist financing more effectively and to reinforce its role in providing financial information and analysis, a Financial Intelligence Unit

#### *Amendment*

(16) In order to prevent and combat money laundering, the associated predicate offences and terrorist financing more effectively and to reinforce its role in providing financial information and analysis, a Financial Intelligence Unit

should be empowered to exchange information or analysis already in its possession or which can be obtained from obliged entities at the request of another Financial Intelligence Unit or of a competent authority in its Member State. This exchange should not hamper a Financial Intelligence Unit's active role in disseminating its analysis to other Financial Intelligence Units where that analysis reveals facts, conduct or suspicion of money laundering and terrorist financing of direct interest to those other Financial Intelligence Units. Financial analysis covers operational analysis which focuses on individual cases and specific targets or on appropriate selected information, depending on the type and volume of the disclosures received and the expected use of the information after dissemination as well as strategic analysis addressing money laundering and terrorist financing trends and patterns. However, this Directive should be without prejudice to the organisational status and role conferred to Financial Intelligence Units under the national law of Member States.

should be empowered to **legally** exchange information or analysis already in its possession or which can be obtained from obliged entities at the request of another Financial Intelligence Unit or of a competent authority in its Member State. This exchange should not hamper a Financial Intelligence Unit's active role in disseminating its analysis to other Financial Intelligence Units where that analysis reveals facts, conduct or suspicion of money laundering and terrorist financing of direct interest to those other Financial Intelligence Units. Financial analysis covers operational analysis which focuses on individual cases and specific targets or on appropriate selected information, depending on the type and volume of the disclosures received and the expected use of the information after dissemination as well as strategic analysis addressing money laundering and terrorist financing trends and patterns. However, this Directive should be without prejudice to the organisational status and role conferred to Financial Intelligence Units under the national law of Member States.

Or. en

## **Amendment 73**

**Eva Joly**

### **Proposal for a directive**

#### **Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16a) In order to enhance trust and cooperation between FIUs and competent authorities, as well as to improve the efficiency of the fight against money laundering and serious criminal offences, it is essential that FIUs are provided with feedback from competent authorities as regards to the use made of the financial information provided and about the***

*outcome of the investigation or prosecution relating to such information. Member States should therefore ensure that competent authorities provide regular feedback to the Financial Intelligence Unit and should put in place appropriate mechanisms to allow for such exchanges of information and follow-ups.*

Or. en

#### **Amendment 74**

**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

#### **Proposal for a directive**

##### **Recital 17**

*Text proposed by the Commission*

*(17) Time limits for exchanges of information between Financial Intelligence Units are necessary to ensure quick, effective and consistent cooperation. Sharing information necessary to solve cross-border cases and investigations should be carried out with the same celerity and priority as for a similar domestic case. Time limits should be provided to ensure effective sharing of information within reasonable time or to meet procedural constraints. Shorter time limits should be provided in duly justified cases, where the requests relate to specific serious criminal offences, such as terrorist offences and offences related to a terrorist group or activities as laid down in Union law.*

*Amendment*

*(17) Member States should encourage their competent authorities to rapidly, constructively and effectively provide the widest possible range of cross-border cooperation for the purposes of this Directive, in compliance with existing legislation and respecting the independence of the Financial Intelligence Units.*

Or. it

#### **Amendment 75**

**Eva Joly**

#### **Proposal for a directive**

##### **Recital 17**

*Text proposed by the Commission*

(17) Time limits for exchanges of information between Financial Intelligence Units are necessary to ensure quick, effective and consistent cooperation. Sharing information necessary to solve cross-border cases and investigations should be carried out with the same celerity and priority as for a similar domestic case. Time limits should be provided to ensure effective sharing of information within reasonable time or to meet procedural constraints. Shorter time limits should be provided in duly justified cases, where the requests relate to specific serious criminal offences, such as terrorist offences and offences related to a terrorist group or activities as laid down in Union law.

*Amendment*

(17) Time limits for exchanges of information between Financial Intelligence Units are necessary to ensure quick, effective and consistent cooperation. Sharing information necessary to solve cross-border cases and investigations should be carried out with the same celerity and priority as for a similar domestic case. Time limits should be provided to ensure effective sharing of information within reasonable time or to meet procedural constraints, ***as well as to harmonise practices of exchange of information between FIUs across the Union.*** . Shorter time limits should be provided in duly justified cases, where the requests relate to specific serious criminal offences, such as terrorist offences and offences related to a terrorist group or activities as laid down in Union law.

Or. en

**Amendment 76**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 18**

*Text proposed by the Commission*

(18) The use of secure facilities for the exchange *of* information, ***in particular the decentralised computer network FIU.net (the ‘FIU.net’), which is managed by Europol since 1 January 2016, or its successor and the techniques offered by FIU.net,*** should be used for exchanges of information between Financial Intelligence Units.

*Amendment*

(18) The use of secure facilities for the exchange information ***within the scope of this Directive*** should be ***legally*** used for exchanges of ***such*** information between Financial Intelligence Units.

Or. en



## Amendment 77

Helga Stevens

### Proposal for a directive

#### Recital 18

*Text proposed by the Commission*

(18) The *use of secure facilities for the exchange of information, in particular the decentralised computer network FIU.net (the 'FIU.net')*, which is managed by Europol since 1 January 2016, or its successor and the techniques offered by FIU.net, should be used for exchanges of information between Financial Intelligence Units.

*Amendment*

(18) The secure *and* decentralised *electronic communications* network FIU.net (*the 'FIU.net'*), which is managed by Europol since 1 January 2016, or its successor and the techniques offered by FIU.net, should be used for exchanges of information between Financial Intelligence Units.

Or. en

## Amendment 78

Helga Stevens

### Proposal for a directive

#### Recital 19

*Text proposed by the Commission*

(19) Given the sensitivity of financial data that should be analysed by Financial Intelligence Units and the necessary data protection safeguards, this Directive should specifically set out the type and scope of information that can be exchanged between Financial Intelligence Units and with designated competent authorities. This Directive should not bring any changes to currently agreed methods of data collection.

*Amendment*

(19) Given the sensitivity of financial data that should be analysed by Financial Intelligence Units and the necessary data protection safeguards, this Directive should specifically set out the type and scope of information that can be exchanged between Financial Intelligence Units and with designated competent authorities.  
*However, Member States should be able to decide to broaden the scope of financial information and bank account information that can be exchanged between the Financial Intelligence Units and designated competent authorities. They may also facilitate access by competent authorities to financial information and bank account information for the prevention, detection, investigation or prosecution of criminal*

*offences other than serious criminal offences.* This Directive should not bring any changes to currently agreed methods of data collection.

Or. en

**Amendment 79**  
**Eva Joly**

**Proposal for a directive**  
**Recital 19**

*Text proposed by the Commission*

(19) Given the sensitivity of financial data that should be analysed by Financial Intelligence Units and the necessary data protection safeguards, this Directive should specifically set out the type and scope of information that can be exchanged between Financial Intelligence Units and with designated competent authorities. This Directive should not bring any changes to currently agreed methods of data collection.

*Amendment*

(19) Given the sensitivity of financial data that should be analysed by Financial Intelligence Units and the necessary data protection safeguards, this Directive should specifically set out the type and scope of information that can be exchanged between Financial Intelligence Units and with designated competent authorities. This Directive should not bring any changes to currently agreed methods of data collection ***and should not derogate from the existing Union data protection law.***

Or. en

**Amendment 80**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 19**

*Text proposed by the Commission*

(19) Given the sensitivity of financial data that should be analysed by Financial Intelligence Units and the necessary data protection safeguards, this Directive should specifically set out the type and scope of information that can be exchanged between Financial Intelligence Units and with

*Amendment*

(19) Given the sensitivity of financial data that should be analysed by Financial Intelligence Units and the necessary data protection safeguards, this Directive should specifically ***and precisely*** set out the type and scope of information that can be exchanged between Financial Intelligence

designated competent authorities. This Directive should not bring any changes to currently agreed methods of data collection.

Units and with designated competent authorities. This Directive should not bring any changes to currently agreed methods of data collection.

Or. en

**Amendment 81**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 20**

*Text proposed by the Commission*

(20) Under its specific competences and tasks as laid down in Article 4 of Regulation (EU) 2016/794 of the European Parliament and of the Council<sup>16</sup>, Europol provides support to Member States' cross-border investigations into the money laundering activities of transnational criminal organisations. According to Regulation (EU) 2016/794, the Europol National Units are the liaison bodies between Europol and the Member States' authorities competent to investigate criminal offences. ***To provide Europol with the information necessary to carry out its tasks, Member States should provide that their Financial Intelligence Unit replies to requests for financial information and financial analysis made by Europol through the respective Europol National Unit. Member States should also provide that their Europol National Unit replies to requests for information on bank accounts by Europol. Requests made by Europol have to be duly justified. They have to be made on a case-by case basis, within the limits of Europol's responsibilities and for the performance of its tasks.***

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<sup>16</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of

*Amendment*

(20) Under its specific competences and tasks as laid down in Article 4 of Regulation (EU) 2016/794 of the European Parliament and of the Council<sup>16</sup>, Europol provides support to Member States' cross-border investigations into the money laundering activities of transnational criminal organisations. According to Regulation (EU) 2016/794, the Europol National Units are the liaison bodies between Europol and the Member States' authorities competent to investigate criminal offences.

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<sup>16</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of

11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53.

11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53.

Or. en

## Amendment 82

**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

### Proposal for a directive

#### Recital 20

##### *Text proposed by the Commission*

(20) Under its specific competences and tasks as laid down in Article 4 of Regulation (EU) 2016/794 of the European Parliament and of the Council<sup>16</sup>, Europol provides support to Member States' cross-border investigations into the money laundering activities of transnational criminal organisations. According to Regulation (EU) 2016/794, the Europol National Units are the liaison bodies between Europol and the Member States' authorities competent to investigate criminal offences. To provide Europol with the information necessary to carry out its tasks, Member States should provide that their Financial Intelligence Unit replies to requests for financial information ***and financial analysis*** made by Europol through the respective Europol National Unit. ***Member States should also provide that their Europol National Unit replies to requests for information on bank accounts by Europol. Requests made by Europol have to be duly justified. They have to be made on a case-by case basis, within the limits of Europol's responsibilities and for the performance of its tasks.***

##### *Amendment*

(20) Under its specific competences and tasks as laid down in Article 4 of Regulation (EU) 2016/794 of the European Parliament and of the Council<sup>16</sup>, Europol provides support to Member States' cross-border investigations into the money laundering activities of transnational criminal organisations. According to Regulation (EU) 2016/794, the Europol National Units are the liaison bodies between Europol and the Member States' authorities competent to investigate criminal offences. To provide Europol with the information necessary to carry out its tasks, Member States should provide that their Financial Intelligence Unit replies to requests for financial information made by Europol through the respective Europol National Unit ***and in compliance with national laws.***

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<sup>16</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53.

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<sup>16</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53.

Or. it

### **Amendment 83** **Helga Stevens**

#### **Proposal for a directive** **Recital 20**

##### *Text proposed by the Commission*

(20) Under its specific competences and tasks as laid down in Article 4 of Regulation (EU) 2016/794 of the European Parliament and of the Council<sup>16</sup>, Europol provides support to Member States' cross-border investigations into the money laundering activities of transnational criminal organisations. According to Regulation (EU) 2016/794, the Europol National Units are the liaison bodies between Europol and the Member States' authorities competent to investigate criminal offences. To provide Europol with the information necessary to carry out its tasks, Member States should provide that their Financial Intelligence Unit replies to requests for financial information and financial analysis made by Europol through the respective Europol National Unit. Member States should also provide that their Europol National Unit replies to requests for information on bank accounts by Europol. ***Requests made by Europol have to be duly justified.*** They have to be made on a case-by case basis, within the limits of Europol's responsibilities and for

##### *Amendment*

(20) Under its specific competences and tasks as laid down in Article 4 of Regulation (EU) 2016/794 of the European Parliament and of the Council<sup>16</sup>, Europol provides support to Member States' cross-border investigations into the money laundering activities of transnational criminal organisations. ***In that context, Europol is obliged to notify the Member States of any information and connections between criminal offences concerning them.*** According to Regulation (EU) 2016/794, the Europol National Units are the liaison bodies between Europol and the Member States' authorities competent to investigate criminal offences. To provide Europol with the information necessary to carry out its tasks, Member States should provide that their Financial Intelligence Unit replies to ***duly justified*** requests for financial information and financial analysis made by Europol through the respective Europol National ***Unit. The request should only comprise information that is already in the possession of the Financial Intelligence*** Unit. Member States should

the performance of its tasks.

also provide that their Europol National Unit replies to requests for information on bank accounts by Europol. They have to be made on a case-by case basis, within the limits of Europol's responsibilities and for the performance of its tasks.

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<sup>16</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53.

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<sup>16</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53.

Or. en

#### **Amendment 84** **Caterina Chinnici**

#### **Proposal for a directive** **Recital 20**

##### *Text proposed by the Commission*

(20) Under its specific competences and tasks as laid down in Article 4 of Regulation (EU) 2016/794 of the European Parliament and of the Council<sup>16</sup>, Europol provides support to Member States' cross-border investigations into the money laundering activities of transnational criminal organisations. According to Regulation (EU) 2016/794, the Europol National Units are the liaison bodies between Europol and the Member States' authorities competent to investigate criminal offences. To provide Europol with the information necessary to carry out its tasks, Member States should provide that their Financial Intelligence Unit *replies* to requests for financial information and financial analysis made by Europol through the respective Europol National Unit.

##### *Amendment*

(20) Under its specific competences and tasks as laid down in Article 4 of Regulation (EU) 2016/794 of the European Parliament and of the Council<sup>16</sup>, Europol provides support to Member States' cross-border investigations into the money laundering activities of transnational criminal organisations. According to Regulation (EU) 2016/794, the Europol National Units are the liaison bodies between Europol and the Member States' authorities competent to investigate criminal offences. To provide Europol with the information necessary to carry out its tasks, Member States should provide that their Financial Intelligence Unit *is entitled to reply* to requests for financial information and financial analysis made by Europol through the respective Europol

Member States should also provide that their Europol National Unit *replies* to requests for information on bank accounts by Europol. Requests made by Europol have to be duly justified. They have to be made on a case-by case basis, within the limits of Europol's responsibilities and for the performance of its tasks.

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<sup>16</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53.

National Unit. Member States should also provide that their Europol National Unit *is entitled to reply* to requests for information on bank accounts by Europol. Requests made by Europol have to be duly justified. They have to be made on a case-by case basis, within the limits of Europol's responsibilities and for the performance of its tasks.

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<sup>16</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53.

Or. en

## **Amendment 85**

### **Eva Joly**

#### **Proposal for a directive**

#### **Recital 20**

##### *Text proposed by the Commission*

(20) Under its specific competences and tasks as laid down in Article 4 of Regulation (EU) 2016/794 of the European Parliament and of the Council<sup>16</sup>, Europol provides support to Member States' cross-border investigations into the money laundering activities of transnational criminal organisations. According to Regulation (EU) 2016/794, the Europol National Units are the liaison bodies between Europol and the Member States' authorities competent to investigate criminal offences. To provide Europol with the information necessary to carry out its tasks, Member States should provide that their Financial Intelligence Unit *replies* to

##### *Amendment*

(20) Under its specific competences and tasks as laid down in Article 4 of Regulation (EU) 2016/794 of the European Parliament and of the Council<sup>16</sup>, Europol provides support to Member States' cross-border investigations into the money laundering activities of transnational criminal organisations. According to Regulation (EU) 2016/794, the Europol National Units are the liaison bodies between Europol and the Member States' authorities competent to investigate criminal offences. To provide Europol with the information necessary to carry out its tasks, Member States should provide that their Financial Intelligence Unit *is able to*

requests for financial information and financial analysis made by Europol through the respective Europol National Unit. Member States should also provide that their Europol National Unit *replies* to requests for information on bank accounts by Europol. Requests made by Europol have to be duly justified. They have to be made on a case-by case basis, within the limits of Europol's responsibilities and for the performance of its tasks.

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<sup>16</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53.

*reply* to requests for financial information and financial analysis made by Europol through the respective Europol National Unit. Member States should also provide that their Europol National Unit ***is able to reply to requests for information on bank accounts by Europol. Requests made by Europol have to be duly justified. They have to be made on a case-by case basis, within the limits of Europol's responsibilities and for the performance of its tasks.***

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<sup>16</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53.

Or. en

#### **Amendment 86**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel**

#### **Proposal for a directive Recital 21 a (new)**

*Text proposed by the Commission*

*Amendment*

***(21a) To strengthen the cooperation between Financial Intelligence Units, the European Commission should carry out an impact assessment in the near future to evaluate the appropriateness of establishing a European Union Financial Intelligence Unit.***

Or. en



## Amendment 87

Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Ana Gomes, Emilian Pavel

### Proposal for a directive

#### Recital 22

*Text proposed by the Commission*

(22) To achieve the appropriate balance between efficiency and a high level of data protection, Member States should be required to ensure that the processing of sensitive financial information that could reveal a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation should be allowed only to the extent that it is strictly necessary and relevant to a specific investigation.

*Amendment*

(22) To achieve the appropriate balance between efficiency and a high level of data protection, Member States should be required to ensure that the processing of sensitive financial information that could reveal a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation should be allowed only to the extent that it is strictly necessary and relevant to a specific investigation ***and in compliance with the relevant data protection regime.***

Or. en

## Amendment 88

Maria Gabriela Zoană

### Proposal for a directive

#### Recital 22

*Text proposed by the Commission*

(22) To achieve the appropriate balance between efficiency and a high level of data protection, Member States ***should be*** required to ensure that the processing of sensitive financial information that could reveal a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation ***should be allowed*** only to the extent that it is strictly necessary and relevant to a specific investigation.

*Amendment*

(22) To achieve the appropriate balance between efficiency and a high level of data protection, Member States ***are*** required to ensure that the processing of sensitive financial information that could reveal a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation ***may be envisaged*** only to the extent that it is strictly necessary and relevant to a specific investigation ***and authorised by a judicial institution.***

**Amendment 89**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 22**

*Text proposed by the Commission*

(22) To achieve the appropriate balance between efficiency and a high level of data protection, Member States should be required to ensure that the processing of sensitive financial information that could reveal a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation should be allowed only to the extent that it is strictly necessary and relevant to a specific investigation.

*Amendment*

(22) To achieve the appropriate balance between efficiency and a high level of data protection, Member States should be required to ensure that the processing of sensitive financial information that could reveal, *inter alia*, a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation should be allowed only to the extent that it is strictly necessary and relevant to a specific investigation.

Or. en

**Amendment 90**  
**Eva Joly**

**Proposal for a directive**  
**Recital 22**

*Text proposed by the Commission*

(22) To achieve ***the appropriate balance between efficiency and*** a high level of data protection, Member States should be required to ensure that the processing of sensitive financial information that could reveal a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation should be allowed only to the extent that it is strictly necessary and relevant to a specific investigation.

*Amendment*

(22) To achieve a high level of data protection, Member States should be required to ensure that the processing of sensitive financial information that could reveal a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation should be allowed only to the extent that it is strictly necessary and relevant to a specific investigation, ***and in accordance with Directive (EU) 2016/680.***

**Amendment 91**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 23**

*Text proposed by the Commission*

(23) This Directive respects the fundamental rights and observes the principles recognised by Article 6 of the Treaty on European Union and by the Charter of Fundamental Rights of the European Union, in particular the right to respect for private and family life (Article 7) **and** the right to the protection of personal data (Article 8), by international law and international agreements to which the Union or all the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and in Member States' constitutions in their respective fields of application.

*Amendment*

(23) This Directive respects the fundamental rights and observes the principles recognised by Article 6 of the Treaty on European Union and by the Charter of Fundamental Rights of the European Union, in particular the right to respect for private and family life (Article 7), the right to the protection of personal data (Article 8), ***the right to an effective remedy and to a fair trial (Article 47), the presumption of innocence and right of defence (Article 48), principles of legality and proportionality of criminal offences and penalties (Article 49)***, by international law and international agreements to which the Union or all the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and in Member States' constitutions in their respective fields of application. ***This Directive respects and observes also the freedom to conduct a business, the prohibition of discrimination, the right to an effective remedy and to a fair trial, the presumption of innocence and the rights of the defence.***

**Amendment 92**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 24**

(24) It is essential to ensure that processing of personal data under this Directive fully respects the right to protection of personal data. Any such processing is subject to Directive (EU) 2016/680 of the European Parliament and of the Council and to Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>18</sup>, in their respective scope of application. As far as the access of Asset Recovery Offices to centralised bank account registries and data retrieval systems is concerned, Directive (EU) 2016/680 applies while Article 5(2) of Council Decision 2007/845/JHA should not apply. As far as Europol is concerned, Regulation (EU) 2016/794 applies. Specific and additional safeguards and conditions for ensuring the protection of personal data should be laid down in this Directive in respect of mechanisms to ensure the processing of sensitive data and records of information requests.

(24) It is essential to ensure that processing of personal data under this Directive fully respects the right to protection of personal data. Any such processing is subject to Directive (EU) 2016/680 of the European Parliament and of the Council and to Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>18</sup>, in their respective scope of application. As far as the access of Asset Recovery Offices to centralised bank account registries and data retrieval systems is concerned, Directive (EU) 2016/680 applies while Article 5(2) of Council Decision 2007/845/JHA should not apply. As far as Europol is concerned, Regulation (EU) 2016/794 applies. Specific and additional safeguards and conditions for ensuring the protection of personal data should be laid down *also* in this Directive in respect of mechanisms to ensure the processing of sensitive data and records of information requests.

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<sup>18</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

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<sup>18</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Or. en

### **Amendment 93** **Maria Gabriela Zoană**

#### **Proposal for a directive** **Recital 24**

(24) It is essential to ensure that processing of personal data under this Directive fully respects the right to protection of personal data. Any such processing is subject to Directive (EU) 2016/680 of the European Parliament and of the Council and to Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>18</sup>, in their respective scope of application. As far as the access of Asset Recovery Offices to centralised bank account registries and data retrieval systems is concerned, Directive (EU) 2016/680 applies while Article 5(2) of Council Decision 2007/845/JHA should not apply. As far as Europol is concerned, Regulation (EU) 2016/794 applies. Specific and additional safeguards and conditions for ensuring the protection of personal data *should* be laid down in this Directive in respect of mechanisms to ensure the processing of sensitive data and records of information requests.

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<sup>18</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

(24) It is essential to ensure that processing of personal data under this Directive fully respects the right to protection of personal data. Any such processing is subject to Directive (EU) 2016/680 of the European Parliament and of the Council and to Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>18</sup>, in their respective scope of application. As far as the access of Asset Recovery Offices to centralised bank account registries and data retrieval systems is concerned, Directive (EU) 2016/680 applies while Article 5(2) of Council Decision 2007/845/JHA should not apply. As far as Europol is concerned, Regulation (EU) 2016/794 applies. Specific and additional safeguards and conditions for ensuring the protection of personal data *must* be laid down in this Directive in respect of mechanisms to ensure the processing of sensitive data and records of information requests.

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<sup>18</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Or. ro

#### **Amendment 94** **Kostas Chrysogonos**

#### **Proposal for a directive** **Recital 25**

##### *Text proposed by the Commission*

(25) Personal data obtained under this Directive should only be processed by competent authorities where it is necessary

##### *Amendment*

(25) Personal data obtained under this Directive should only be processed by competent authorities where it is necessary

and proportionate for the purposes of prevention, detection, investigation or prosecution of *serious crime*.

and proportionate for the *purpose of complying with the requirements of this Directive, and in particular for the* purposes of prevention, detection, investigation or prosecution of *money laundering, the associate predicate offences and terrorist financing. The collection and subsequent processing of personal data by obliged entities should not be further processed in a way that is incompatible with the aforementioned purposes. In particular, further processing of personal data for commercial purposes should be strictly prohibited.*

Or. en

#### **Amendment 95**

**Morten Helveg Petersen, Nathalie Griesbeck, Gérard Deprez, Maite Pagazaurtundúa Ruiz, Sophia in 't Veld**

#### **Proposal for a directive Recital 25**

##### *Text proposed by the Commission*

(25) Personal data obtained under this Directive should only be processed by competent authorities where it is necessary and proportionate for the purposes of prevention, detection, investigation or prosecution of serious crime.

##### *Amendment*

(25) *Any* personal data obtained under this Directive should only be processed *in accordance with Directive (EU) 2016/680 and Regulation (EU) 2016/679* by competent authorities where it is necessary and proportionate for the purposes of prevention, detection, investigation or prosecution of serious crime.

Or. en

#### **Amendment 96 Eva Joly**

#### **Proposal for a directive Recital 25**

*Text proposed by the Commission*

(25) Personal data obtained under this Directive should only be processed by competent authorities where it is necessary and proportionate for the purposes of prevention, detection, investigation or prosecution of serious crime.

*Amendment*

(25) Personal data obtained under this Directive should only be processed by competent authorities where it is necessary and proportionate for the purposes of prevention, detection, investigation or prosecution of serious crime ***and in accordance with Directive (EU) 2016/680.***

Or. en

**Amendment 97**  
**Helga Stevens**

**Proposal for a directive**  
**Recital 25**

*Text proposed by the Commission*

(25) Personal data obtained under this Directive should only be processed by competent authorities where it is necessary and proportionate for the purposes of prevention, detection, investigation or prosecution of serious crime.

*Amendment*

(25) Personal data obtained under this Directive should only be processed by competent authorities where it is necessary and proportionate for the purposes of prevention, detection, investigation or prosecution of serious crime ***in accordance with Regulation 2016/679.***

Or. en

**Amendment 98**  
**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel**

**Proposal for a directive**  
**Recital 26**

*Text proposed by the Commission*

(26) Furthermore, in order to respect the right to the protection of personal data and the right to privacy and limit the impact of the access to the information contained in centralised bank account registries and data retrieval systems, it is essential to provide

*Amendment*

(26) Furthermore, in order to respect the right to the protection of personal data and the right to privacy and limit the impact of the access to the information contained in centralised bank account registries and data retrieval systems, it is essential to provide

for conditions limiting the access. In particular, Member States should ensure that appropriate data protection policies and measures apply to the access to personal data from competent authorities for the purposes of this Directive. Only authorised **persons** should have access to information containing personal data which can be obtained from the centralised bank account registries or through authentication processes.

for conditions limiting the access. In particular, Member States should ensure that appropriate data protection policies and measures apply to the access to personal data from competent authorities for the purposes of this Directive. Only authorised **staff** should have access to information containing personal data which can be obtained from the centralised bank account registries or through authentication processes. ***Staff granted with access to such sensitive data should receive training on security practices with regards to the exchange and handling of the data.***

Or. en

**Amendment 99**  
**Eva Joly**

**Proposal for a directive**  
**Recital 27 a (new)**

*Text proposed by the Commission*

*Amendment*

***(27a) In order to overcome the current cooperation difficulties which exist between national FIUs, a European FIU should be set up in order to coordinate, assist and support Member States FIUs in cross-border cases. It would also be particularly suited to an integrated EU financial market and effective in combatting money laundering and terrorist financing in the internal market. The Member States FIU would still be primarily responsible for receiving suspicious transaction reports, analysing them and disseminate them to the national competent authority. The EU FIU would lend support to those Member States especially in maintaining and developing the technical infrastructure for ensuring the exchange of information, assisting them in joint analysis of cross-border cases and strategic analysis, and coordinate the work of Member States***



**Amendment 100**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Ana Gomes, Emilian Pavel**

**Proposal for a directive  
Recital 28**

*Text proposed by the Commission*

(28) The Commission should report on the implementation of this Directive **three** years after its date of transposition, and every three years thereafter. In accordance with paragraphs 22 and 23 of the Interinstitutional Agreement on Better Law-Making<sup>19</sup> the Commission should also carry out an evaluation of this Directive on the basis of information collected through specific monitoring arrangements in order to assess the actual effects of the Directive and the need for any further action.

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<sup>19</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

*Amendment*

(28) The Commission should report on the implementation of this Directive **two** years after its date of transposition, and every three years thereafter. In accordance with paragraphs 22 and 23 of the Interinstitutional Agreement on Better Law-Making<sup>19</sup> the Commission should also carry out an evaluation of this Directive on the basis of information collected through specific monitoring arrangements in order to assess the actual effects of the Directive and the need for any further action.

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<sup>19</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

**Amendment 101**

**Kostas Chrysogonos**

**Proposal for a directive  
Recital 29**

*Text proposed by the Commission*

(29) This Directive aims at ensuring that rules are adopted to provide Union citizens

*Amendment*

(29) This Directive aims at ensuring that rules are adopted to provide Union citizens

with a higher level of security by preventing and combating crime, pursuant to Article 67 of the Treaty on the Functioning of the European Union. Due to their transnational nature, the terrorist and criminal threats affect the Union as a whole and require a Union wide response. Criminals may exploit, and will benefit from, the lack of an efficient use of bank account information and financial information in a Member State, which can have consequences in another Member State. Since the objective of this Directive cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve this objective.

with a higher level of security, ***rule of law and democracy*** by preventing and combating crime, pursuant to Article 67 of the Treaty on the Functioning of the European Union. Due to their transnational nature, the terrorist and criminal threats affect the Union as a whole and require a Union wide response. Criminals may exploit, and will benefit from, the lack of an efficient use of bank account information and financial information in a Member State, which can have consequences in another Member State. Since the objective of this Directive cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level ***through a sincere and in good faith cooperation between the Member States and the competent EU institutions***, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve this objective.

Or. en

## Amendment 102

Morten Helveg Petersen, Nathalie Griesbeck, Gérard Deprez, Maite Pagazaurtundúa Ruiz, Sophia in 't Veld

### Proposal for a directive

#### Recital 29

##### *Text proposed by the Commission*

(29) This Directive aims at ensuring that rules are adopted to provide Union citizens with a higher level of security by preventing and combating crime, pursuant to Article 67 of the Treaty on the Functioning of the European Union. Due to their transnational nature, ***the terrorist and criminal threats*** affect the Union as a

##### *Amendment*

(29) This Directive aims at ensuring that rules are adopted to provide Union citizens with a higher level of security by preventing and combating crime, pursuant to Article 67 of the Treaty on the Functioning of the European Union. Due to their transnational nature, ***cross border organised crimes*** affect the Union as a

whole and require a Union wide response. Criminals may exploit, and will benefit from, the lack of an efficient use of bank account information and financial information in a Member State, which can have consequences in another Member State. Since the objective of this Directive cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve this objective.

whole and require a Union wide response. Criminals may exploit, and will benefit from, the lack of an efficient use of bank account information and financial information in a Member State, which can have consequences in another Member State. Since the objective of this Directive cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve this objective.

Or. en

### **Amendment 103** **Sophia in 't Veld**

#### **Proposal for a directive** **Article 1 – paragraph 1**

##### *Text proposed by the Commission*

1. This Directive lays down measures to facilitate access by competent authorities to financial information and bank account information for the prevention, detection, investigation or prosecution of serious criminal offences. It also provides for measures to facilitate access by Financial Intelligence Units to law enforcement information and to facilitate the cooperation between Financial Intelligence Units.

##### *Amendment*

1. This Directive lays down measures to facilitate access by competent authorities to financial information and bank account information for the prevention, detection, investigation or prosecution of serious criminal offences. It also provides for measures to facilitate access by Financial Intelligence Units to law enforcement information and to facilitate the cooperation between Financial Intelligence Units, ***where such information is necessary, on a case-by-case basis, for the prevention and combating of money laundering and terrorist financing. Administrative investigations shall not be covered under this Directive.***

Or. en

**Amendment 104**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 1 – paragraph 1**

*Text proposed by the Commission*

1. This Directive lays down measures to facilitate access by competent authorities to financial information and bank account information for the prevention, detection, investigation or prosecution of **serious** criminal offences. It also provides for measures to facilitate access by Financial Intelligence Units to law enforcement information and to facilitate the cooperation between Financial Intelligence Units.

*Amendment*

1. This Directive lays down measures to facilitate access by competent authorities to financial information and bank account information for the prevention, detection, investigation or prosecution of **specific** criminal offences, **in particular money laundering, the associate predicate offences and terrorist financing**. It also provides for measures to facilitate access by Financial Intelligence Units to law enforcement information and to facilitate the cooperation between Financial Intelligence Units.

Or. en

**Amendment 105**  
**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel**

**Proposal for a directive**  
**Article 1 – paragraph 1**

*Text proposed by the Commission*

1. This Directive lays down measures to facilitate access by competent authorities to financial information and bank account information for the prevention, detection, investigation or prosecution of serious criminal offences. It also provides for measures to facilitate access by Financial Intelligence Units to law enforcement information and to facilitate the cooperation between Financial Intelligence Units.

*Amendment*

1. This Directive lays down measures to facilitate access by competent authorities **- in accordance with national law -** to financial information and bank account information for the prevention, detection, investigation or prosecution of serious criminal offences. It also provides for measures to facilitate **- in accordance with national law-** access by Financial Intelligence Units to law enforcement information and to facilitate the cooperation between Financial Intelligence

Units.

Or. en

#### **Amendment 106**

**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1**

##### *Text proposed by the Commission*

1. This Directive lays down measures to facilitate access by competent authorities to financial information and bank account information for the prevention, detection, investigation or prosecution of serious criminal offences. It also provides for measures to facilitate access by Financial Intelligence Units to law enforcement information and to facilitate the cooperation between Financial Intelligence Units.

##### *Amendment*

1. This Directive lays down measures to facilitate access by competent authorities to financial information and bank account information for the prevention, detection, investigation or prosecution of serious criminal offences. It also provides for measures to facilitate access by Financial Intelligence Units to law enforcement information and to facilitate the cooperation between Financial Intelligence Units, ***in compliance with the national law.***

Or. it

#### **Amendment 107**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Ana Gomes, Emilian Pavel**

#### **Proposal for a directive**

#### **Article 1 – paragraph 2 – point a**

##### *Text proposed by the Commission*

(a) the provisions of Directive (EU) 2015/849 of the European Parliament and of the Council and the related provisions in the national law of Member States, including the organisational status conferred to Financial Intelligence Units under national law;

##### *Amendment*

(a) the provisions of Directive (EU) 2015/849 of the European Parliament and of the Council and the related provisions in the national law of Member States, including the organisational status conferred to Financial Intelligence Units under national law; ***and also the competencies of national authorities responsible for application of legislation***

*concerning the prevention of the use of the financial system for the purpose of money laundering and terrorist financing.*

Or. en

**Amendment 108**

**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

**Proposal for a directive**

**Article 1 – paragraph 2 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(aa) the competences of the national authorities responsible for the application of the laws concerning the prevention of the use of the financial system for the purposes of money laundering or terrorist financing;*

Or. it

**Amendment 109**

**Helga Stevens**

**Proposal for a directive**

**Article 1 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) the *powers of competent authorities* to exchange information between *them or* to obtain information from obliged entities under Union law or the national law of Member States.

(b) the *existing channels* to exchange information between *competent authorities or their powers* to obtain information from obliged entities under Union law or the national law of Member States.

Or. en

**Amendment 110**

**Morten Helveg Petersen, Nathalie Griesbeck, Gérard Deprez, Maite Pagazaurtundúa Ruiz, Sophia in 't Veld**

**Proposal for a directive**  
**Article 1 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Any personal data processing under this Directive shall be subject to Directive (EU) 2016/680 and to Regulation (EU) 2016/679 in their respective scope of application, and any personal data obtained under this Directive shall only be processed by designated competent authorities and FIUs where it is necessary and proportionate for the purposes pursued by this Directive.**

Or. en

**Amendment 111**  
**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) 'financial information' means any type of information or data ***which is held by Financial Intelligence Units to prevent, detect and effectively combat money laundering and terrorist financing, or any type of information or data which is held by public authorities or by obliged entities for those purposes and which is available to Financial Intelligence Units without the taking of coercive measures under national law;***

(e) 'financial information' means any type of information or data ***on financial activities, movement of funds or financial reports*** held by Financial Intelligence Units ***under Chapter IV of Directive (EU) 2015/849;***

Or. it

**Amendment 112**  
**Helga Stevens**

**Proposal for a directive**

## Article 2 – paragraph 1 – point e

### *Text proposed by the Commission*

(e) 'financial information' means any type of information or data which is held by Financial Intelligence Units to prevent, detect and effectively combat money laundering and terrorist financing, ***or any type of information or data which is held by public authorities or by obliged entities for those purposes and which is available to Financial Intelligence Units without the taking of coercive measures under national law;***

### *Amendment*

(e) 'financial information' means any type of information or data which is held by Financial Intelligence Units to prevent, detect and effectively combat money laundering and terrorist financing;

Or. en

## Amendment 113

Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel

### Proposal for a directive

## Article 2 – paragraph 1 – point e

### *Text proposed by the Commission*

(e) 'financial information' means ***any type of*** information or data which is held by Financial Intelligence Units to prevent, detect and effectively combat money laundering and terrorist financing, or any type of information or data which is held by public authorities or by obliged entities for those purposes and which is available to Financial Intelligence Units without the taking of coercive measures under national law;

### *Amendment*

(e) 'financial information' means information or data ***on financial assets, movements of funds, financial business relationships*** which is ***already*** held by Financial Intelligence Units ***pursuant to Directive (EU) 2015/849***, to prevent detect and effectively combat money laundering and terrorist financing, or any type of information or data which is held by public authorities or by obliged entities for those purposes and which is available to Financial Intelligence Units without the taking of coercive measures under national law;

Or. en

## Amendment 114



**Proposal for a directive**

**Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) 'financial information' means any type of information or data which is held by Financial Intelligence Units to prevent, detect and effectively combat money laundering and terrorist financing, or any type of information or data which is held by public authorities or by obliged entities for those purposes and which is available to Financial Intelligence Units without the taking of coercive measures under national law;

*Amendment*

(e) 'financial information' means any type of ***legally obtained or collected*** information or data which is ***legally*** held by Financial Intelligence Units to prevent, detect and effectively combat money laundering and terrorist financing, or any type of ***such*** information or data which is held by public authorities or by obliged entities for those purposes and which is available to Financial Intelligence Units without the taking of coercive measures under national law;

Or. en

**Amendment 115**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel**

**Proposal for a directive**

**Article 2 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) 'law enforcement information' means any type of information or data which is held by competent authorities to prevent, detect, investigate or prosecute criminal offences or any type of information or data which is held by public authorities or by private entities for those purposes and which is available to competent authorities without the taking of coercive measures under national law;

*Amendment*

(f) law enforcement information' means any type of information or data which ***already*** is held by competent authorities to prevent, detect, investigate or prosecute criminal offences or any type of information or data which is held by public authorities or by private entities for those purposes and which is available to competent authorities without the taking of coercive measures under national law; ***such information may include criminal records, information on investigations or ongoing prosecutions, freezing and seizing of assets or other investigative or provisional measures, convictions, confiscations, mutual legal assistance***

*activities;*

Or. en

**Amendment 116**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) 'law enforcement information' means any type of information or data which is held by competent authorities to prevent, detect, investigate or prosecute criminal offences or any type of information or data which is held by public authorities or by private entities for those purposes and which is available to competent authorities without the taking of coercive measures under national law;

*Amendment*

(f) 'law enforcement information' means any type of ***legally obtained or collected*** information or data which is ***legally*** held by competent authorities to prevent, detect, investigate or prosecute criminal offences or any type of ***such*** information or data which is held by public authorities or by private entities for those purposes and which is available to competent authorities without the taking of coercive measures under national law;

Or. en

**Amendment 117**  
**Helga Stevens**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point g – introductory part**

*Text proposed by the Commission*

(g) 'bank account information' means the following information contained in the centralised bank account registries:

*Amendment*

(g) 'bank account information' means the following information ***on bank and payments accounts and safe deposit boxes*** contained in the centralised bank account registries:

Or. en

**Amendment 118**

**Proposal for a directive**

**Article 2 – paragraph 1 – point k**

*Text proposed by the Commission*

*Amendment*

**(k) 'financial analysis' means the operational and strategic analysis carried out by the Financial Intelligence Units for the performance of their tasks pursuant to Directive (EU) 2015/849;**

**deleted**

Or. en

**Amendment 119**

**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

**Proposal for a directive**

**Article 2 – paragraph 1 – point k**

*Text proposed by the Commission*

*Amendment*

**(k) 'financial analysis' means the operational and strategic analysis carried out by the Financial Intelligence Units for the performance of their tasks pursuant to Directive (EU) 2015/849;**

**deleted**

Or. it

**Amendment 120**

**Helga Stevens**

**Proposal for a directive**

**Article 2 – paragraph 1 – point k**

*Text proposed by the Commission*

*Amendment*

**(k) 'financial analysis' means the operational and strategic analysis carried out by the Financial Intelligence Units for the performance of their tasks pursuant to Directive (EU) 2015/849;**

**(k) 'financial analysis' means the *results of* operational and strategic analysis carried out by the Financial Intelligence Units for the performance of their tasks pursuant to Directive (EU) 2015/849;**

**Amendment 121**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point l**

*Text proposed by the Commission*

*Amendment*

**(l) 'serious criminal offences' means the forms of crime listed in Annex I to Regulation (EU) 2016/794 of the European Parliament and of the Council.** **deleted**

**Amendment 122**  
**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

**Proposal for a directive**  
**Article 3 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Each Member State shall designate among its authorities competent for the prevention, detection, investigation or prosecution of criminal offences the competent authorities empowered to access and search the national centralised bank account registries set up by the Member States in accordance with Article 32a of Directive (EU) 2015/849. ***They shall include the Europol National Units and the Asset Recovery Offices.***

1. Each Member State shall designate among its authorities competent for the prevention, detection, investigation or prosecution of criminal offences the competent authorities empowered to access and search the national centralised bank account registries set up by the Member States in accordance with Article 32a of Directive (EU) 2015/849.

**Amendment 123**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 3 – paragraph 1**

*Text proposed by the Commission*

1. Each Member State shall designate among its authorities competent for the prevention, detection, investigation or prosecution of criminal offences the competent authorities empowered to access and search the national centralised bank account registries set up by the Member States in accordance with Article 32a of Directive (EU) 2015/849. They shall include ***the Europol National Units and the Asset Recovery Offices.***

*Amendment*

1. Each Member State shall designate among its authorities competent for the prevention, detection, investigation or prosecution of criminal offences the competent authorities empowered to ***legally*** access and search the national centralised bank account registries set up by the Member States in accordance with Article 32a of Directive (EU) 2015/849 ***in full respect of the fundamental rights. They shall include the Asset Recovery Offices.***

Or. en

**Amendment 124**

**Helga Stevens**

**Proposal for a directive**

**Article 3 – paragraph 1**

*Text proposed by the Commission*

1. Each Member State shall designate among its authorities competent for the prevention, detection, investigation or prosecution of criminal offences the competent authorities empowered to access and search the national centralised bank account registries set up by the Member States in accordance with Article 32a of Directive (EU) 2015/849. They shall include the Europol National Units and the Asset Recovery Offices.

*Amendment*

1. Each Member State shall designate among its authorities competent for the prevention, detection, investigation or prosecution of criminal offences the competent authorities empowered to access and search the national centralised bank account registries set up by the Member States in accordance with Article 32a of Directive (EU) 2015/849. They shall ***at least*** include the Europol National Units and the Asset Recovery Offices.

Or. en

**Amendment 125**

**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

**Proposal for a directive**

**Article 3 – paragraph 2**

*Text proposed by the Commission*

2. Each Member State shall designate among its authorities competent for the prevention, detection, investigation or prosecution of criminal offences the competent authorities empowered to request and receive financial information ***or financial analysis*** from the Financial Intelligence Unit. ***They shall include the Europol National Units.***

*Amendment*

2. Each Member State shall designate among its authorities competent for the prevention, detection, investigation or prosecution of criminal offences the competent authorities empowered to request and receive financial information from the Financial Intelligence Unit.

Or. it

**Amendment 126**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 3 – paragraph 2**

*Text proposed by the Commission*

2. Each Member State shall designate among its authorities competent for the prevention, detection, investigation or prosecution of criminal offences the competent authorities empowered to request and receive financial information or financial analysis from the Financial Intelligence Unit. ***They shall include the Europol National Units.***

*Amendment*

2. Each Member State shall designate among its authorities competent for the prevention, detection, investigation or prosecution of criminal offences the competent authorities empowered to request and receive financial information or financial analysis from the Financial Intelligence Unit.

Or. en

**Amendment 127**  
**Helga Stevens**

**Proposal for a directive**  
**Article 3 – paragraph 2**

*Text proposed by the Commission*

2. Each Member State shall designate among its authorities competent for the prevention, detection, investigation or

*Amendment*

2. Each Member State shall designate among its authorities competent for the prevention, detection, investigation or

prosecution of criminal offences the competent authorities empowered to request and receive financial information or financial analysis from the Financial Intelligence Unit. They shall include the Europol National Units.

prosecution of criminal offences the competent authorities empowered to request and receive financial information or financial analysis from the Financial Intelligence Unit. They shall ***at least*** include the Europol National Units.

Or. en

#### **Amendment 128**

**Caterina Chinnici, Ana Gomes, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Emilian Pavel**

#### **Proposal for a directive Article 3 – paragraph 3**

##### *Text proposed by the Commission*

3. Each Member State shall notify the Commission its designated competent authorities in accordance with paragraphs (1) and (2) by [**6** months from transposition date] at the latest, and shall notify the Commission of any amendment thereto. The Commission shall publish the notifications and any amendment thereto in the Official Journal of the European Union.

##### *Amendment*

3. Each Member State shall notify the Commission its designated competent authorities in accordance with paragraphs (1) and (2) by [**4** months from transposition date] at the latest, and shall notify the Commission of any amendment thereto. The Commission shall publish the notifications and any amendment thereto in the Official Journal of the European Union.

Or. en

#### **Amendment 129**

**Kostas Chrysogonos**

#### **Proposal for a directive Article 4 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall ensure that the competent authorities designated pursuant to Article 3(1) shall have the power to access and search, directly and immediately, bank account information when necessary for the performance of their tasks for the purposes of preventing,

##### *Amendment*

1. Member States shall ensure that the competent authorities designated pursuant to Article 3(1) shall have the power to ***legally*** access and search, directly and immediately, ***relevant*** bank account information when ***is*** necessary for the performance of their tasks for the purposes

detecting, investigating or prosecuting **a serious criminal offence** or supporting a criminal investigation concerning **a serious criminal offence**, including the identification, tracing and freezing of the assets related to such investigation.

of preventing, detecting, investigating or prosecuting **in particular money laundering, the associated predicate offences, terrorist financing and terrorism money laundering, the associated predicate offences and terrorist financing** or supporting a criminal investigation concerning **such offences**, including the identification, tracing and freezing of the assets related to such investigation. **The request to competent authorities to access and search relevant bank information shall be sufficiently reasoned.**

Or. en

**Amendment 130**  
**Monika Hohlmeier**

**Proposal for a directive**  
**Article 4 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Member States providing access to bank account information through central electronic data retrieval systems shall ensure that the authority operating the retrieval systems reports search results in an immediate and unfiltered way to competent authorities.**

Or. en

*Justification*

*Amendment takes into account the specificities of account retrieval systems that are set up and operating in accordance with Article 32a of the AMLD [Directive (EU) 2015/849]. Such systems are equivalent in effect to central registries and can be advantageous in terms of proportionality and data protection. By clarifying that the additional intermediation inherent to those systems is in line with the requirement of Article 4, it is ensured that the Directive does not deviate from AMLD and does not urge Member States to set up central registries where they have opted for retrieval systems.*

**Amendment 131**



Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel

**Proposal for a directive**  
**Article 4 – paragraph 2**

*Text proposed by the Commission*

2. The additional information that Member States may deem essential and include in the centralised bank account registries in accordance with Article 32a(4) of Directive 2018/XX/EU shall not be accessible and searchable by competent authorities **according to** this Directive.

*Amendment*

2. The additional information that Member States may deem essential and include in the centralised bank account registries in accordance with Article 32a(4) of Directive 2018/XX/EU shall not be accessible and searchable by competent authorities **on the basis of** this Directive.

Or. en

**Amendment 132**  
**Helga Stevens**

**Proposal for a directive**  
**Article 4 – paragraph 2**

*Text proposed by the Commission*

2. The additional information that Member States may deem essential and include in the centralised bank account registries in accordance with Article 32a(4) of Directive 2018/XX/EU shall not be accessible and searchable by competent authorities **according to** this Directive.

*Amendment*

2. The additional information that Member States may deem essential and include in the centralised bank account registries in accordance with Article 32a(4) of Directive 2018/XX/EU shall not be accessible and searchable by competent authorities **on the basis of** this Directive.

Or. en

**Amendment 133**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

1. The access and search of bank account information in accordance with

*Amendment*

1. The **legal** access and search of bank account information in accordance with

Article 4 shall be performed only by the persons within each competent authority that have been specifically designated and authorised to perform these tasks **and** on a case-by-case basis.

Article 4 shall be performed, only by the persons within each competent authority that have been specifically designated and authorised to perform these tasks on a case-by-case basis, ***provided this is sufficiently reasoned and necessary for preventing, detecting, investigating or prosecuting of money laundering, associate predicate offences and terrorist financing.***

Or. en

#### **Amendment 134**

**Caterina Chinnici, Ana Gomes, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel**

#### **Proposal for a directive Article 5 – paragraph 2**

##### *Text proposed by the Commission*

2. Member States shall ensure that the access and search by competent authorities is supported by technical and organisational measures ensuring the security of the data.

##### *Amendment*

2. Member States shall ensure that the access and search by competent authorities is supported by technical and organisational measures ensuring the security of the data ***according to the highest technological standards available.***

Or. en

#### **Amendment 135**

**Maria Grapini**

#### **Proposal for a directive Article 5 – paragraph 2**

##### *Text proposed by the Commission*

2. Member States shall ensure that the access and search by competent authorities is supported by technical and organisational measures ensuring the security of the data.

##### *Amendment*

2. Member States shall ensure that the access and search by competent authorities is supported by technical and organisational measures ensuring the security of the data ***in line with Regulation (EU) 2016/679.***

**Amendment 136**

**Sophia in 't Veld**

**Proposal for a directive**

**Article 6 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) the results *of the query or search*;

*Amendment*

(d) *the unique identifiers of the results*;

Or. en

*Justification*

*To make the functioning of the access monitoring tools more efficient, and to meet the principle of data minimisation*

**Amendment 137**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel**

**Proposal for a directive**

**Article 6 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) the identifiers of the official who carried out the query or search and of the official who ordered the query or search.

*Amendment*

(f) the identifiers of the official who carried out the query or search and of the official who ordered the query or search, *and as far as possible, the identity of the recipient of the results of the query or search.*

Or. en

**Amendment 138**

**Sophia in 't Veld**

**Proposal for a directive**

**Article 6 – paragraph 3 a (new)**

**3a.** *Member States shall ensure that centralised bank account registers take appropriate measures so that employees are aware of the provisions in force, including the relevant data protection requirements. Such measures shall include special training programmes.*

Or. en

**Amendment 139**  
**Sophia in 't Veld**

**Proposal for a directive**  
**Article 6 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b.** *Member States shall ensure that staff of the national designated competent authorities maintain high standards of confidentiality and data protection.*

Or. en

**Amendment 140**  
**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

**Proposal for a directive**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Subject to national procedural safeguards, each Member State shall ensure that its national Financial Intelligence Unit is required to reply to requests for financial information or financial analysis by its designated competent authorities referred to in Article 3(2), where that financial information *or financial analysis* is necessary, on a case-by-case basis, for the prevention, detection,

1. Subject to national procedural safeguards, each Member State shall ensure that its national Financial Intelligence Unit is required to reply to requests for financial information or financial analysis by its designated competent authorities referred to in Article 3(2), where that financial information *may be obtained by the competent authorities that request it in compliance with the*

investigation or prosecution of serious criminal offences.

***applicable laws and regulations***, is necessary, on a case-by-case basis, for the prevention, detection, investigation or prosecution of serious criminal offences ***and is not directly available. The exceptions and conditions laid down in Articles 32(5), 53 and 54 of Directive (EU) 2015/849 shall apply.***

Or. it

**Amendment 141**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

1. Subject to national procedural safeguards, each Member State shall ensure that its national Financial Intelligence Unit is ***required to reply to*** requests for financial information or financial analysis by its designated competent authorities referred to in Article 3(2), where that financial information or financial analysis is necessary, on a case-by-case basis, for the prevention, detection, investigation or prosecution of ***serious criminal offences***.

*Amendment*

1. Subject to national procedural safeguards, each Member State shall ensure that its national Financial Intelligence Unit is ***able to respond to sufficiently reasoned*** requests for financial information or financial analysis by its designated competent authorities referred to in Article 3(2), where that financial information or financial analysis is necessary, on a case-by-case basis, for the prevention, detection, investigation or prosecution of ***money laundering, the associate predicate crimes and terrorist financing. A request shall contain the relevant evidence that should sufficiently reason the supply of such information or analysis.***

Or. en

**Amendment 142**  
**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel**

**Proposal for a directive**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

1. Subject to national procedural safeguards, each Member State shall ensure that its national Financial Intelligence Unit is required to reply to requests for financial information **or financial analysis** by its designated competent authorities referred to in Article 3(2), where that financial information **or financial analysis** is necessary, on a case-by-case basis, for the prevention, detection, investigation or prosecution of serious criminal offences.

*Amendment*

1. Subject to national procedural safeguards, each Member State shall ensure that its national Financial Intelligence Unit is required to reply, ***in a timely manner***, to requests for financial information by its designated competent authorities referred to in Article 3(2), where that financial information ***can be obtained by the requesting competent authorities in accordance with the applicable law and regulation***, is necessary, on a case-by-case basis, for the prevention, detection, investigation or prosecution of serious criminal offences ***and cannot be accessed through direct means***.

Or. en

**Amendment 143**

**Eva Joly**

**Proposal for a directive**

**Article 7 – paragraph 1**

*Text proposed by the Commission*

1. Subject to national procedural safeguards, each Member State shall ensure that its national Financial Intelligence Unit is ***required*** to reply to requests for financial information or financial analysis by its designated competent authorities referred to in Article 3(2), where that financial information or financial analysis is necessary, on a case-by-case basis, for the prevention, detection, investigation or prosecution of serious criminal offences.

*Amendment*

1. Subject to national procedural safeguards, each Member State shall ensure that its national Financial Intelligence Unit is ***able*** to reply to requests for financial information or financial analysis by its designated competent authorities referred to in Article 3(2), where that financial information or financial analysis is necessary, on a case-by-case basis, for the prevention, detection, investigation or prosecution of serious criminal offences.

Or. en

**Amendment 144**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel**

**Proposal for a directive**

**Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. FIUs shall be under no obligation to comply with the request for information in case there are objective grounds for assuming that the provision of such information would have a negative impact on ongoing investigations or analyses, or, in exceptional circumstances, where disclosure of the information would be clearly disproportionate to the legitimate interests of a natural or legal person or irrelevant with regard to the purposes for which it has been requested as provided for under article 32(5) of Directive EU 2015/849.***

Or. en

**Amendment 145**

**Eva Joly**

**Proposal for a directive**

**Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Where there are objective grounds for assuming that the provision of such information would have a negative impact on ongoing investigations or analyses, or, in exceptional circumstances, where disclosure of the information would be clearly disproportionate to the legitimate interests of a natural or legal person or irrelevant with regard to the purposes for which it has been requested, the FIU shall be under no obligation to comply with the request for information. Any refusal shall be appropriately explained.***

**Amendment 146**

**Caterina Chinnici, Ana Gomes, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel**

**Proposal for a directive**

**Article 7 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. When refusing to provide information, FIUs shall transmit a detailed explanation for such denial.***

Or. en

**Amendment 147**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel**

**Proposal for a directive**

**Article 7 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***1c. When exchanging financial information pursuant to Article 7 (1), the transmitting FIU may impose restrictions and conditions for the use of that information. The receiving competent authority shall comply with those restrictions and conditions.***

Or. en

**Amendment 148**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel**

**Proposal for a directive**

**Article 7 – paragraph 1 d (new)**



**1d. Exemptions and conditions provided for under Articles 32(5), 53 and 54 of Directive (EU) 2015/849 shall apply.**

Or. en

**Amendment 149**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 7 – paragraph 2**

*Text proposed by the Commission*

2. The financial information and financial analysis received from the Financial Intelligence Unit may be processed by the competent authorities of the Member States for the specific purposes of preventing, detecting, investigating or prosecuting **serious criminal** offences other than the purposes for which personal data are collected in accordance with Article 4(2) of Directive (EU) 2016/680.

*Amendment*

2. The financial information and financial analysis received from the Financial Intelligence Unit may be processed by the competent authorities of the Member States for the specific purposes of preventing, detecting, investigating or prosecuting **money laundering, the associate predicate offences and terrorist financing** other than the purposes for which personal data are collected in accordance with Article 4(2) of Directive (EU) 2016/680, **in so far as such a processing is necessary for preventing, detecting, investigating or prosecuting the aforementioned offences. In this context the fundamental rights shall be fully respected.**

Or. en

**Amendment 150**  
**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Emilian Pavel**

**Proposal for a directive**  
**Article 7 – paragraph 2**

*Text proposed by the Commission*

2. The financial information **and**

*Amendment*

2. The financial information received

*financial analysis* received from the Financial Intelligence Unit may be processed by the competent authorities of the Member States for the specific purposes of preventing, detecting, investigating or prosecuting serious criminal offences other than the purposes for which personal data are collected in accordance with Article 4(2) of Directive (EU) 2016/680.

from the Financial Intelligence Unit may be processed by the competent authorities of the Member States for the specific purposes of preventing, detecting, investigating or prosecuting serious criminal offences other than the purposes for which personal data are collected in accordance with Article 4(2) of Directive (EU) 2016/680.

Or. en

## **Amendment 151**

**Eva Joly**

### **Proposal for a directive**

#### **Article 7 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Member States shall require that competent authorities referred to in Article 3(2) provide regular feedback to the Financial Intelligence Unit on the use made of the financial information provided in accordance with this Article and about the outcome of the investigation or prosecution relating to such information. Member States shall put in place appropriate mechanisms to allow for swift and secure exchanges of information and follow-ups on investigations and prosecutions between Financial Investigation Units and competent authorities referred to in Article 3(2).**

Or. en

## **Amendment 152**

**Helga Stevens**

### **Proposal for a directive**

#### **Article 7 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a.** *Where there are objective grounds for assuming that the provision of such information would clearly have a negative impact on ongoing investigations or analyses, or, in exceptional circumstances, where disclosure of the information would be clearly disproportionate to the legitimate interests of a natural or legal person or clearly irrelevant with regard to the purposes for which it has been requested, the Financial Intelligence Unit shall be under no obligation to comply with the request for information.*

Or. en

**Amendment 153**

**Helga Stevens**

**Proposal for a directive**

**Article 7 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b.** *Member States shall require competent authorities to provide feedback to the Financial Intelligence Unit on the use made of the information provided in accordance with this Article, and on the outcome of the investigations or inspections performed on the basis of that information, in line with Regulation(EU)2016/794.*

Or. en

**Amendment 154**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Ana Gomes, Emilian Pavel**

**Proposal for a directive**

## Article 8 – paragraph 1

### *Text proposed by the Commission*

Subject to national procedural safeguards, each Member State shall ensure that its designated national competent authorities are required to reply to requests for law enforcement information by the national Financial Intelligence Unit, on a case-by-case basis, where the information is necessary for the prevention and combating of money laundering, associate predicate offences and terrorist financing.

### *Amendment*

Subject to national procedural safeguards, ***in accordance with article 32 (4) Directive (EU) 2015/849 on the access to information by the Financial Intelligence Units*** each Member State shall ensure that its designated national competent authorities are required to reply, ***in a timely manner***, to requests for law enforcement information by the national Financial Intelligence Unit, on a case-by-case basis, where the information is necessary for the prevention and combating of money laundering, associate predicate offences and terrorist financing.

Or. en

## Amendment 155

Kostas Chrysogonos

### Proposal for a directive

#### Article 8 – paragraph 1

### *Text proposed by the Commission*

Subject to national procedural safeguards, each Member State shall ensure that its designated national competent authorities are ***required to reply to*** requests for law enforcement information by the national Financial Intelligence Unit, on a case-by-case basis, where the information is necessary for the prevention and combating of money laundering, associate predicate offences and terrorist financing.

### *Amendment*

Subject to national procedural safeguards, each Member State shall ensure that its designated national competent authorities are ***able to respond to sufficiently reasoned*** requests for law enforcement information by the national Financial Intelligence Unit, on a case-by-case basis, where the information is necessary for the prevention and combating of money laundering, associate predicate offences and terrorist financing.

Or. en

## Amendment 156

Eva Joly

**Proposal for a directive**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

Subject to national procedural safeguards, each Member State shall ensure that its designated national competent authorities are required to reply to requests for law enforcement information by the national Financial Intelligence Unit, on a case-by-case basis, where the information is necessary for the prevention and combating of money laundering, associate predicate offences and terrorist financing.

*Amendment*

Subject to national procedural safeguards, each Member State shall ensure that its designated national competent authorities are required to reply ***in a timely manner*** to requests for law enforcement information by the national Financial Intelligence Unit, on a case-by-case basis, where the information is necessary for the prevention and combating of money laundering, associate predicate offences and terrorist financing.

Or. en

**Amendment 157**  
**Maria Grapini**

**Proposal for a directive**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

Subject to national procedural safeguards, each Member State shall ensure that its designated national competent authorities ***are required to*** reply to requests for law enforcement information by the national Financial Intelligence Unit, on a case-by-case basis, where the information is necessary for the prevention and combating of money laundering, associate predicate offences and terrorist financing.

*Amendment*

Subject to national procedural safeguards, each Member State shall ensure that its designated national competent authorities reply to requests for law enforcement information by the national Financial Intelligence Unit, on a case-by-case basis, where the information is necessary for the prevention and combating of money laundering, associate predicate offences and terrorist financing.

Or. ro

**Amendment 158**  
**Kostas Chrysogonos**

**Proposal for a directive**

## Article 9 – paragraph 1

### *Text proposed by the Commission*

1. Each Member State shall ensure that its Financial Intelligence Unit is enabled to exchange financial information or financial analysis with any Financial Intelligence Unit in the Union where that financial information or financial analysis is necessary for the prevention and combating of money laundering, associate predicate offences **and** terrorist financing.

### *Amendment*

1. Each Member State shall ensure that its Financial Intelligence Unit is enabled to **legally** exchange financial information or financial analysis with any Financial Intelligence Unit in the Union where that financial information or financial analysis is necessary for the prevention and combating of money laundering, associate predicate offences, terrorist financing **and terrorism. Such a request shall be sufficiently reasoned.**

Or. en

## Amendment 159

Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Emilian Pavel

### Proposal for a directive

#### Article 9 – paragraph 1

### *Text proposed by the Commission*

1. Each Member State shall ensure that its Financial Intelligence Unit is enabled to exchange financial information **or financial analysis** with any Financial Intelligence Unit in the Union where that financial information **or financial analysis** is necessary for the prevention and combating of money laundering, associate predicate offences and terrorist financing.

### *Amendment*

1. Each Member State shall ensure that its Financial Intelligence Unit is enabled to exchange financial information with any Financial Intelligence Unit in the Union where that financial information is necessary for the prevention and combating of money laundering, associate predicate offences and terrorist financing **in accordance with article 53 (1) directive(EU) 2015/849.**

Or. en

## Amendment 160

Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo

### Proposal for a directive

#### Article 9 – paragraph 1

*Text proposed by the Commission*

1. Each Member State shall ensure that its Financial Intelligence Unit is enabled to exchange financial information **or financial analysis** with any Financial Intelligence Unit in the Union where that financial information **or financial analysis** is necessary for the prevention and combating of money laundering, associate predicate offences and terrorist financing.

*Amendment*

1. Each Member State shall ensure that its Financial Intelligence Unit is enabled to exchange financial information with any Financial Intelligence Unit in the Union where that financial information is necessary for the prevention and combating of money laundering, associate predicate offences and terrorist financing.

Or. it

**Amendment 161**

**Maria Grapini**

**Proposal for a directive**

**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. Each Member State shall ensure that its Financial Intelligence Unit is enabled to exchange financial information or financial analysis with any Financial Intelligence Unit in the Union where that financial information or financial analysis is **necessary** for the prevention and combating of money laundering, associate predicate offences and terrorist financing.

*Amendment*

1. Each Member State shall ensure that its Financial Intelligence Unit is enabled to exchange financial information or financial analysis with any Financial Intelligence Unit in the Union where that financial information or financial analysis is **essential** for the prevention and combating of money laundering, associate predicate offences and terrorist financing.

Or. ro

**Amendment 162**

**Morten Helveg Petersen, Nathalie Griesbeck, Gérard Deprez, Maite Pagazaurtundúa Ruiz, Sophia in 't Veld**

**Proposal for a directive**

**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. Each Member State shall ensure that its Financial Intelligence Unit is

*Amendment*

1. Each Member State shall ensure that its Financial Intelligence Unit is

***enabled*** to exchange financial information or financial analysis with any Financial Intelligence Unit in the Union where that financial information or financial analysis is necessary for the prevention and combating of money laundering, associate predicate offences and terrorist financing.

***entitled*** to exchange financial information or financial analysis with any Financial Intelligence Unit in the Union where that financial information or financial analysis is necessary for the prevention and combating of money laundering, associate predicate offences and terrorist financing.

Or. en

**Amendment 163**  
**Eva Joly**

**Proposal for a directive**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. Each Member State shall ensure that its Financial Intelligence Unit is ***enabled*** to exchange financial information or financial analysis with any Financial Intelligence Unit in the Union where that financial information or financial analysis is necessary for the prevention and combating of money laundering, associate predicate offences and terrorist financing.

*Amendment*

1. Each Member State shall ensure that its Financial Intelligence Unit is ***able*** to exchange financial information or financial analysis with any Financial Intelligence Unit in the Union where that financial information or financial analysis is necessary for the prevention and combating of money laundering, associate predicate offences and terrorist financing.

Or. en

**Amendment 164**  
**Eva Joly**

**Proposal for a directive**  
**Article 9 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. A Financial Investigation Unit may refuse to exchange information only in exceptional circumstances where the exchange could be contrary to fundamental principles of its national law. Those exceptions shall be specified in a way which prevents misuse of, and***



*undue limitations on, the free exchange of information for analytical purposes. Any refusal shall be appropriately explained.*

Or. en

## **Amendment 165**

**Eva Joly**

### **Proposal for a directive**

#### **Article 9 – paragraph 2**

##### *Text proposed by the Commission*

2. Member States shall ensure that where a Financial Intelligence Unit is requested pursuant to paragraph 1 to exchange financial information or financial analysis, it shall do so as soon as possible and in any case no later than three days after the receipt of the request. In exceptional, duly justified cases, this time limit may be extended by a maximum of 10 days.

##### *Amendment*

2. Member States shall ensure that where a Financial Intelligence Unit is requested pursuant to paragraph 1 to exchange financial information or financial analysis, it shall do so as soon as possible and in any case no later than three days after the receipt of the request. In exceptional, duly justified cases, this time limit may be extended by a maximum of 10 days. *The same time limits apply for sending an appropriate explanation in case of refusals based on Article 9(1a).*

Or. en

## **Amendment 166**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Emilian Pavel**

### **Proposal for a directive**

#### **Article 9 – paragraph 2**

##### *Text proposed by the Commission*

2. Member States shall ensure that where a Financial Intelligence Unit is requested pursuant to paragraph 1 to exchange financial information *or financial analysis*, it shall do so as soon as possible and in any case no later than three days after the receipt of the request. In exceptional, duly justified cases, this time

##### *Amendment*

2. Member States shall ensure that where a Financial Intelligence Unit is requested pursuant to paragraph 1 to exchange financial information *that are already in its possession*, it shall do so as soon as possible and in any case no later than three days after the receipt of the request. In exceptional, duly justified

limit may be extended by a maximum of 10 days.

cases, this time limit may be extended by a maximum of 10 days.

Or. en

#### **Amendment 167**

**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

#### **Proposal for a directive**

#### **Article 9 – paragraph 2**

##### *Text proposed by the Commission*

2. Member States shall ensure that where a Financial Intelligence Unit is requested pursuant to paragraph 1 to exchange financial information *or financial analysis*, it shall do so as soon as possible and in any case no later than three days after the receipt of the request. In exceptional, duly justified cases, this time limit may be extended by a maximum of 10 days.

##### *Amendment*

2. Member States shall ensure that where a Financial Intelligence Unit is requested pursuant to paragraph 1 to exchange financial information, it shall do so as soon as possible and in any case no later than three days after the receipt of the request. In exceptional, duly justified cases, this time limit may be extended by a maximum of 10 days.

Or. it

#### **Amendment 168**

**Maria Grapini**

#### **Proposal for a directive**

#### **Article 9 – paragraph 3**

##### *Text proposed by the Commission*

3. Member States shall ensure that, in exceptional and urgent cases, and by way of derogation from paragraph 2, where a Financial Intelligence Unit is requested pursuant to paragraph 1 to exchange financial information or financial analysis already in its possession that relates to specific investigations concerning an act or conduct qualified as a serious criminal offence, a Financial Intelligence Unit shall provide that information or analysis no

##### *Amendment*

3. Member States shall ensure that, in exceptional and urgent cases, and by way of derogation from paragraph 2, where a Financial Intelligence Unit is requested pursuant to paragraph 1 to exchange financial information or financial analysis already in its possession that relates to specific investigations concerning an act or conduct qualified as a serious criminal offence, a Financial Intelligence Unit shall provide that information or analysis no

later than 24 hours after the receipt of the request.

later than 24 hours after the receipt of the request ***or no later than 48 hours in well justified exceptional cases.***

Or. ro

**Amendment 169**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 9 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall ensure that, in exceptional and urgent cases, and by way of derogation from paragraph 2, where a Financial Intelligence Unit is requested pursuant to paragraph 1 to exchange financial information or financial analysis already in its possession that relates to specific investigations concerning an act or conduct qualified as ***a serious criminal offence***, a Financial Intelligence Unit shall provide that information or analysis no later than 24 hours after the receipt of the request.

*Amendment*

3. Member States shall ensure that, in exceptional and urgent cases, and by way of derogation from paragraph 2, where a Financial Intelligence Unit is requested pursuant to paragraph 1 to exchange financial information or financial analysis already in its possession that relates to specific investigations concerning an act or conduct qualified as ***money laundering, associate predicate offences and terrorist financing***, a Financial Intelligence Unit shall provide that information or analysis no later than 24 hours after the receipt of the request.

Or. en

**Amendment 170**  
**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

**Proposal for a directive**  
**Article 9 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall ensure that, in exceptional and urgent cases, and by way of derogation from paragraph 2, where a Financial Intelligence Unit is requested pursuant to paragraph 1 to exchange financial information ***or financial analysis***

*Amendment*

3. Member States shall ensure that, in exceptional and urgent cases, and by way of derogation from paragraph 2, where a Financial Intelligence Unit is requested pursuant to paragraph 1 to exchange financial information already in its

already in its possession that relates to specific investigations concerning an act or conduct qualified as a serious criminal offence, a Financial Intelligence Unit shall provide that information *or analysis* no later than **24** hours after the receipt of the request.

possession that relates to specific investigations concerning an act or conduct qualified as a serious criminal offence, a Financial Intelligence Unit shall provide that information no later than **48** hours after the receipt of the request.

Or. it

#### **Amendment 171**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Emilian Pavel**

#### **Proposal for a directive Article 9 – paragraph 3**

##### *Text proposed by the Commission*

3. Member States shall ensure that, in exceptional and urgent cases, and by way of derogation from paragraph 2, where a Financial Intelligence Unit is requested pursuant to paragraph 1 to exchange financial information *or financial analysis* already in its possession that relates to specific investigations concerning an act or conduct qualified as a serious criminal offence, a Financial Intelligence Unit shall provide that information or analysis no later than 24 hours after the receipt of the request.

##### *Amendment*

3. Member States shall ensure that, in exceptional and urgent cases, and by way of derogation from paragraph 2, where a Financial Intelligence Unit is requested pursuant to paragraph 1 to exchange financial information already in its possession that relates to specific investigations concerning an act or conduct qualified as a serious criminal offence, a Financial Intelligence Unit shall provide that information or analysis no later than 24 hours after the receipt of the request.

Or. en

#### **Amendment 172**

**Maria Grapini**

#### **Proposal for a directive Article 9 – paragraph 4**

##### *Text proposed by the Commission*

4. Member States shall ensure that a request issued pursuant to this Article and its response shall be transmitted by using

##### *Amendment*

4. Member States shall ensure that a request issued pursuant to this Article and its response shall be transmitted by using

the dedicated secure electronic communications network FIU.net or its successor. That network shall ensure the secure communication and shall be capable of producing a written record under conditions that allow ascertaining authenticity. In the event of technical failure of the FIU.net, the financial information or financial analysis shall be transmitted by any other appropriate means ensuring a high level of data security.

the dedicated secure electronic communications network FIU.net or its successor. That network shall ensure the secure communication and shall be capable of producing a written record under conditions that allow ascertaining authenticity. In the event of technical failure of the FIU.net, the financial information or financial analysis shall be transmitted by any other appropriate means ensuring a high level of data security ***in line with the provisions of Regulation (EU) 2016/679.***

Or. ro

#### **Amendment 173**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Emilian Pavel**

#### **Proposal for a directive Article 9 – paragraph 4**

##### *Text proposed by the Commission*

4. Member States shall ensure that a request issued pursuant to this Article and its response shall be transmitted by using the dedicated secure electronic communications network FIU.net or its successor. That network shall ensure the secure communication and shall be capable of producing a written record under conditions that allow ascertaining authenticity. In the event of technical failure of the FIU.net, the financial information ***or financial analysis*** shall be transmitted by any other appropriate means ensuring ***a high*** level of data security.

##### *Amendment*

4. Member States shall ensure that a request issued pursuant to this Article and its response shall be transmitted by using the dedicated secure electronic communications network FIU.net or its successor. That network shall ensure the secure communication and shall be capable of producing a written record under conditions that allow ascertaining authenticity. In the event of technical failure of the FIU.net, the financial information shall be transmitted by any other appropriate means ensuring ***the highest possible*** level of data security.

Or. en

#### **Amendment 174**

**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

#### **Proposal for a directive**

## Article 9 – paragraph 4

### *Text proposed by the Commission*

4. Member States shall ensure that a request issued pursuant to this Article and its response shall be transmitted by using the dedicated secure electronic communications network FIU.net or its successor. That network shall ensure the secure communication and shall be capable of producing a written record under conditions that allow ascertaining authenticity. In the event of technical failure of the FIU.net, the financial information *or financial analysis* shall be transmitted by any other appropriate means ensuring a high level of data security.

### *Amendment*

4. Member States shall ensure that a request issued pursuant to this Article and its response shall be transmitted by using the dedicated secure electronic communications network FIU.net or its successor. That network shall ensure the secure communication and shall be capable of producing a written record under conditions that allow ascertaining authenticity. In the event of technical failure of the FIU.net, the financial information shall be transmitted by any other appropriate means ensuring a high level of data security.

Or. it

## Amendment 175

Helga Stevens

### Proposal for a directive

#### Article 9 – paragraph 4 a (new)

### *Text proposed by the Commission*

### *Amendment*

***4a. Member States shall ensure that the information exchanged pursuant to this Article is used only for the purpose for which it was sought or provided, and that any dissemination of that information by the receiving Financial Intelligence Unit to any other authority, agency or department, or any use of this information for purposes other than those originally approved, is made subject to the prior consent of the Financial Intelligence Unit providing the information.***

Or. en

## Amendment 176

**Helga Stevens**

**Proposal for a directive  
Article 9 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

***4b. Member States shall ensure that the Financial Intelligence Unit's prior consent requested under paragraph 4a is granted promptly and to the largest extent possible. The requested Financial Intelligence Unit shall not refuse to grant such consent unless it would clearly fall beyond the scope of application of the provisions of this Directive, could lead to impairment of a criminal investigation, would be clearly disproportionate to the legitimate interests of a natural or legal person or the Member State of the requested Financial Intelligence Unit, or would otherwise clearly not be in accordance with fundamental principles of national law of that Member State. Any such refusal to grant consent shall be appropriately explained.***

Or. en

**Amendment 177  
Sophia in 't Veld**

**Proposal for a directive  
Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 9a***

***Transfer of financial data to third countries***

***The transfer of financial data to third countries and international partners, for the purposes laid down in this Directive shall only be allowed under the conditions laid down in Chapter V of Directive (EU) 2016/680 or Chapter V of Regulation***

**Amendment 178**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 10**

*Text proposed by the Commission*

*Amendment*

**Article 10**

**deleted**

***Access by Europol to bank account  
information and exchange of information  
between Europol and Financial  
Intelligence Units***

- 1. Each Member State shall ensure that its Europol National Unit replies to duly justified requests related to bank account information made by the Agency for Law Enforcement Cooperation established by Regulation (EU) 2016/794 of the European Parliament and of the Council ('Europol') on a case-by-case basis within the limits of its responsibilities and for the performance of its tasks.***
- 2. Each Member State shall ensure that its Financial Intelligence Unit replies to duly justified requests related to financial information and financial analysis made by Europol through the Europol National Unit within the limits of its responsibilities and for the performance of its tasks.***
- 3. Exchange of information under paragraphs 1 and 2 shall take place electronically through SIENA and in accordance with Regulation (EU) 2016/794. The language used for the request and the exchange of information shall be that applicable to SIENA.***



#### Amendment 179

Morten Helveg Petersen, Nathalie Griesbeck, Gérard Deprez, Maite Pagazaurtundúa Ruiz

#### Proposal for a directive

##### Article 10 – title

*Text proposed by the Commission*

***Access by Europol to bank account information and exchange of information between Europol and Financial Intelligence Units***

*Amendment*

***Provision of bank account information to Europol***

Or. en

#### Amendment 180

Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel

#### Proposal for a directive

##### Article 10 – paragraph 1

*Text proposed by the Commission*

1. Each Member State shall ensure that its Europol National Unit ***replies*** to duly justified requests related to bank account information made by the Agency for Law Enforcement Cooperation established by Regulation (EU) 2016/794 of the European Parliament and of the Council ('Europol') on a case-by-case basis within the limits of its responsibilities and for the performance of its tasks.

*Amendment*

1. Each Member State shall ensure that its Europol National Unit ***is entitled to reply*** to duly justified requests related to bank account information ***or to financial information provided by the FIU*** made by the Agency for Law Enforcement Cooperation established by Regulation (EU) 2016/794 of the European Parliament and of the Council ('Europol') on a case-by-case basis within the limits of its responsibilities and for the performance of its tasks. ***Exemptions and conditions provided for under Articles 32(5), 53 and 54 of Directive (EU) 2015/849 shall apply. Article 7 (7) of Regulation (EU) 2016/794 shall apply.***

Or. en

## Amendment 181

Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo

### Proposal for a directive

#### Article 10 – paragraph 1

##### *Text proposed by the Commission*

1. Each Member State shall ensure that its Europol National Unit ***replies*** to duly justified requests related to bank account information made by the Agency for Law Enforcement Cooperation established by Regulation (EU) 2016/794 of the European Parliament and of the Council ('Europol') on a case-by-case basis within the limits of its responsibilities and for the performance of its tasks.

##### *Amendment*

1. Each Member State shall ensure that its Europol National Unit ***is entitled to reply*** to duly justified requests related to bank account information ***or to financial information provided by the Financial Intelligence Unit*** made by the Agency for Law Enforcement Cooperation established by Regulation (EU) 2016/794 of the European Parliament and of the Council ('Europol') on a case-by-case basis within the limits of its responsibilities and for the performance of its tasks.

Or. it

## Amendment 182

Eva Joly

### Proposal for a directive

#### Article 10 – paragraph 1

##### *Text proposed by the Commission*

1. Each Member State shall ensure that its Europol National Unit ***replies*** to duly justified requests related to bank account information made by the Agency for Law Enforcement Cooperation established by Regulation (EU) 2016/794 of the European Parliament and of the Council ('Europol') on a case-by-case basis within the limits of its responsibilities and for the performance of its tasks.

##### *Amendment*

1. Each Member State shall ensure that its Europol National Unit ***is able to reply*** to duly justified requests related to bank account information made by the Agency for Law Enforcement Cooperation established by Regulation (EU) 2016/794 of the European Parliament and of the Council ('Europol') on a case-by-case basis within the limits of its responsibilities and for the performance of its tasks.

Or. en

## Amendment 183

**Caterina Chinnici, Ana Gomes, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel**

**Proposal for a directive  
Article 10 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Europol shall provide feedback to the Financial Intelligence Unit about the use made of the financial information provided in accordance with this Article and about the outcome of the investigations or analysis performed on the basis of that information.***

Or. en

**Amendment 184**

**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

**Proposal for a directive  
Article 10 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. Each Member State shall ensure that its Financial Intelligence Unit replies to duly justified requests related to financial information and financial analysis made by Europol through the Europol National Unit within the limits of its responsibilities and for the performance of its tasks.***

*deleted*

Or. it

**Amendment 185**

**Morten Helveg Petersen, Nathalie Griesbeck, Gérard Deprez, Maite Pagazaurtundúa Ruiz**

**Proposal for a directive  
Article 10 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. *Each Member State shall ensure that its Financial Intelligence Unit replies to duly justified requests related to financial information and financial analysis made by Europol through the Europol National Unit within the limits of its responsibilities and for the performance of its tasks.* *deleted*

Or. en

**Amendment 186**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel**

**Proposal for a directive  
Article 10 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. *Each Member State shall ensure that its Financial Intelligence Unit replies to duly justified requests related to financial information and financial analysis made by Europol through the Europol National Unit within the limits of its responsibilities and for the performance of its tasks.* *deleted*

Or. en

**Amendment 187**

**Helga Stevens**

**Proposal for a directive  
Article 10 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Each Member State shall ensure that its Financial Intelligence Unit replies to duly justified requests related to financial information and financial analysis made by Europol through the Europol National Unit within the limits of its

2. Each Member State shall ensure that its Financial Intelligence Unit replies to duly justified requests related to financial information and financial analysis made by Europol through the Europol National Unit *on a case-by-case basis*

responsibilities and for the performance of its tasks.

within the limits of its responsibilities and for the performance of its tasks.

Or. en

#### **Amendment 188**

**Eva Joly**

#### **Proposal for a directive**

#### **Article 10 – paragraph 2**

*Text proposed by the Commission*

2. Each Member State shall ensure that its Financial Intelligence Unit ***replies*** to duly justified requests related to financial information and financial analysis made by Europol through the Europol National Unit within the limits of its responsibilities and for the performance of its tasks.

*Amendment*

2. Each Member State shall ensure that its Financial Intelligence Unit ***is able to reply*** to duly justified requests related to financial information and financial analysis made by Europol through the Europol National Unit within the limits of its responsibilities and for the performance of its tasks.

Or. en

#### **Amendment 189**

**Eva Joly**

#### **Proposal for a directive**

#### **Article 10 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Where there are objective grounds for assuming that the provision of such information would have a negative impact on ongoing investigations or analyses, or, in exceptional circumstances, where disclosure of the information would be clearly disproportionate to the legitimate interests of a natural or legal person or irrelevant with regard to the purposes for which it has been requested, the FIU shall be under no obligation to comply with the request for information. Any refusal shall be appropriately explained.***

**Amendment 190**

**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

**Proposal for a directive**

**Article 10 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Europol is entitled to reply to requests for information by Financial Intelligence Units on a case-by-case basis and where the information is necessary for the prevention and combating of money laundering, associated predicate offences and terrorist financing;**

Or. it

**Amendment 191**

**Morten Helveg Petersen, Nathalie Griesbeck, Gérard Deprez, Maite Pagazaurtundúa Ruiz**

**Proposal for a directive**

**Article 10 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Exchange of information under paragraphs 1 and 2 shall take place electronically through SIENA and in accordance with Regulation (EU) 2016/794. The language used for the request and the exchange of information shall be that applicable to SIENA.**

*deleted*

Or. en

**Amendment 192**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kашetu Kyenge, Maria Grapini, Emilian Pavel**

**Proposal for a directive**

## Article 10 – paragraph 3

*Text proposed by the Commission*

3. Exchange of information under paragraphs 1 and 2 **shall** take place electronically through SIENA and in accordance with Regulation (EU) 2016/794. The language used for the request and the exchange of information shall be that applicable to SIENA.

*Amendment*

3. Exchange of information under paragraphs 1 and 2 **may** take place electronically through SIENA **or its successor** and in accordance with Regulation (EU) 2016/794. The language used for the request and the exchange of information shall be that applicable to SIENA.

Or. en

## Amendment 193

Caterina Chinnici, Ana Gomes, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel

### Proposal for a directive

#### Article 10 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. Europol is entitled to reply to requests for information by Financial Intelligence Units on a case-by-case basis, where the information is necessary for the prevention and combating of money laundering, associated predicate offences and terrorist financing.**

Or. en

## Amendment 194

Morten Helveg Petersen, Nathalie Griesbeck, Gérard Deprez, Maite Pagazaurtundúa Ruiz

### Proposal for a directive

#### Article 10 a (new)

*Text proposed by the Commission*

*Amendment*

**Article 10a**

**Article 10 a**

*Exchange of information between  
Europol and Financial Intelligence Units*

- 1. Each Member State shall ensure that its Financial Intelligence Unit is entitled to reply to duly justified requests made by Europol through the Europol National Unit related to financial information and financial analysis already in its possession on a case-by-case basis within the limits of Europol's responsibilities and for the performance of its tasks.*
- 2. Where there are objective grounds for assuming that the provision of financial information or financial analysis would have a negative impact on ongoing investigations or analysis, or, in exceptional circumstances, where disclosure of the financial information would be clearly disproportionate to the legitimate interests of a natural or legal person or irrelevant with regard to the purpose for which it was requested, the Financial Intelligence Unit shall be under no obligation to comply with the request for information in line with the Europol regulation.*
- 3. Europol shall provide feedback to the Financial Intelligence Unit about the use made of the financial information or financial analysis provided in accordance with this Article and about the outcome of the investigations or inspections performed on the basis of that information or analysis in line with Regulation(EU)2016/794.*

Or. en

**Amendment 195**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 11**



**Article 11**

**deleted**

**Data protection requirements**

**1. The processing of personal data related to bank account information, financial information and financial analysis referred to in Article 10(1) and (2) shall be performed only by the persons within Europol who have been specifically designated and authorised to perform those tasks.**

**2. Europol shall inform the data protection officer appointed in accordance with Article 41 of Regulation (EU) 2016/794 of each exchange of information pursuant to Article 10 of this Directive.**

Or. en

**Amendment 196**

**Maria Grapini**

**Proposal for a directive**

**Article 11 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The processing of personal data related to bank account information, financial information and financial analysis referred to in Article 10(1) and (2) shall be performed only by the persons within Europol who have been specifically designated and authorised to perform those tasks.

1. The processing of personal data related to bank account information, financial information and financial analysis referred to in Article 10(1) and (2) shall be performed only by the persons within Europol who have been specifically designated and authorised to perform those tasks ***in line with the provisions of Regulation (EU) 2016/679.***

Or. ro

**Amendment 197**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Emilian Pavel**

**Proposal for a directive**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. The processing of personal data related to bank account information, financial information and financial analysis referred to in Article 10(1) and (2) shall be performed only by ***the persons within Europol who have been specifically designated and authorised to perform those tasks.***

*Amendment*

1. The processing of personal data related to bank account information, financial information and financial analysis referred to in Article 10(1) and (2) shall be performed only by ***means of operational analysis projects, in respect of which the specific safeguards laid down in Article 18(3) of Regulation (EU) 2016/794 shall apply.***

Or. en

**Amendment 198**  
**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

**Proposal for a directive**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. The processing of personal data related to bank account information, financial information ***and financial analysis*** referred to in Article 10(1) and (2) shall be performed only by the persons within Europol who have been specifically designated and authorised to perform those tasks.

*Amendment*

1. The processing of personal data related to bank account information, financial information referred to in Article 10(1) and (2) shall be performed only by the persons within Europol who have been specifically designated and authorised to perform those tasks.

Or. it

**Amendment 199**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

This Chapter shall only apply to designated competent authorities and Financial

*Amendment*

This Chapter shall only apply to designated competent authorities and Financial

Intelligence Units in the exchange of information pursuant to Chapter III *and in respect of exchanges of financial information and financial analysis involving the Europol National Units pursuant to Chapter IV.*

Intelligence Units in the exchange of information pursuant to Chapter III.

Or. en

**Amendment 200**

**Maria Grapini**

**Proposal for a directive**

**Article 12 – paragraph 1**

*Text proposed by the Commission*

This Chapter shall only apply to designated competent authorities and Financial Intelligence Units in the exchange of information pursuant to Chapter III and in respect of exchanges of financial information and financial analysis involving the Europol National Units pursuant to Chapter IV.

*Amendment*

*(Does not affect the English version.)*

Or. ro

**Amendment 201**

**Ignazio Corrao, Laura Ferrara, Fabio Massimo Castaldo**

**Proposal for a directive**

**Article 12 – paragraph 1**

*Text proposed by the Commission*

This Chapter shall only apply to designated competent authorities and Financial Intelligence Units in the exchange of information pursuant to Chapter III and in respect of exchanges of financial information *and financial analysis* involving the Europol National Units pursuant to Chapter IV.

*Amendment*

This Chapter shall only apply to designated competent authorities and Financial Intelligence Units in the exchange of information pursuant to Chapter III and in respect of exchanges of financial information involving the Europol National Units pursuant to Chapter IV.

**Amendment 202**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. The processing of information **revealing** a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation may only be allowed to the extent that it is strictly necessary and relevant in a specific case

*Amendment*

1. ***In accordance with Article. 10 of Directive 2016/80, the processing of sensitive financial information that could reveal*** a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation may only be allowed to the extent that it is strictly necessary and relevant in a specific case, ***that falls within the scope of this Directive. The publication and exchange of such information to other authorities or institutions shall be strictly prohibited.***

**Amendment 203**  
**Morten Helveg Petersen, Nathalie Griesbeck, Gérard Deprez, Maite Pagazaurtundúa Ruiz, Sophia in 't Veld**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. The processing of information revealing a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation may only be allowed to the extent that it is strictly necessary and relevant in a specific case

*Amendment*

1. The processing of ***sensitive personal*** information revealing a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation may only be allowed to the extent that it is strictly necessary and relevant in a specific case ***and subject to appropriate safeguards for the rights and***

**Amendment 204**

**Caterina Chinnici, Ana Gomes, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Emilian Pavel**

**Proposal for a directive**

**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. The processing of information revealing a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation *may* only be allowed *to the extent that it is strictly necessary and relevant in a specific case*

*Amendment*

1. The processing of information revealing a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation *shall* only be allowed *in accordance with Article 10 of Directive (EU) 2016/680 and Article 9 Regulation (EU) 2016/679 in their respective scope of application.*

**Amendment 205**

**Maria Grapini**

**Proposal for a directive**

**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. The processing of information revealing a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation may only be allowed to the extent that it is strictly necessary and relevant in a specific case

*Amendment*

1. The processing of information revealing a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation may only be allowed to the extent that it is strictly necessary and relevant in a specific case, *in line with the provisions of Regulation (EU) 2016/679.*

## Amendment 206

Eva Joly

### Proposal for a directive

#### Article 13 – paragraph 1

*Text proposed by the Commission*

1. The processing of information revealing a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation may only be allowed to the extent that it is strictly necessary and relevant in a specific case

*Amendment*

1. The processing of information revealing a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, health, sexual life or sexual orientation may only be allowed to the extent that it is strictly necessary and relevant in a specific case ***and in accordance with Article 10 of Directive (EU) 2016/680.***

Or. en

## Amendment 207

Kostas Chrysogonos

### Proposal for a directive

#### Article 13 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. The collection and subsequent processing of personal data by obliged entities shall not be further processed in a way that is incompatible with the EU law and the Convention for the Protection of Human Rights and Fundamental Freedoms. In particular, further processing of personal data for commercial purposes should be strictly prohibited.***

Or. en

## Amendment 208

**Caterina Chinnici, Ana Gomes, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Emilian Pavel, Maria Grapini**

**Proposal for a directive  
Article 13 – paragraph 2**

*Text proposed by the Commission*

2. Only persons specifically authorised may access and process the data referred to in paragraph 1 under the instruction of the data protection officer

*Amendment*

2. Only persons specifically authorised ***and trained*** may access and process the data referred to in paragraph 1 under the instruction of the data protection officer

Or. en

**Amendment 209**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel**

**Proposal for a directive  
Article 14 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the name and contact details of the organisation and personnel member requesting the information;

*Amendment*

(a) the name and contact details of the organisation and personnel member requesting the information; ***and, as far as possible, the identity of the recipient of the results of the query or search.***

Or. en

**Amendment 210  
Helga Stevens**

**Proposal for a directive  
Article 14 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) the requests made pursuant to this Directive and their executing measures.

*Amendment*

(c) ***the subject matter of*** the requests made pursuant to this Directive and their executing measures.

**Amendment 211**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 15 – paragraph 1 – introductory part**

*Text proposed by the Commission*

Member States **shall** adopt legislative measures restricting, ***in whole or in part***, the data subject's right of access to personal data relating to him or her processed under this Directive in order to:

*Amendment*

***In accordance with Article 15 of Directive 2016/680***, Member States ***may*** adopt legislative measures restricting the data subject's right of access to personal data relating to him or her processed under this Directive, ***to the extent that, and for as long as such a restriction constitutes a necessary and proportionate measure with due regard for the fundamental rights and legitimate interests of the data subject***, in order to:

**Amendment 212**  
**Eva Joly**

**Proposal for a directive**  
**Article 15 – paragraph 1 – introductory part**

*Text proposed by the Commission*

Member States shall adopt legislative measures restricting, in whole or in part, the data subject's right of access to personal data relating to him or her processed under this Directive in order to:

*Amendment*

Member States shall adopt legislative measures restricting, in whole or in part, the data subject's right of access to personal data relating to him or her processed under this Directive in ***accordance with Article 15(1) of Directive (EU) 2016/680 and in*** order to:

**Amendment 213**  
**Kostas Chrysogonos**



**Proposal for a directive**  
**Article 15 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) enable the Financial Intelligence Unit or the competent national authority to fulfil its tasks properly for the purposes of this Directive;**

**deleted**

Or. en

**Amendment 214**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Maria Grapini, Emilian Pavel, Ana Gomes**

**Proposal for a directive**  
**Article 15 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) enable the Financial Intelligence Unit or the competent national authority to fulfil its tasks properly for the purposes of this Directive;**

**(a) enable the Financial Intelligence Unit or the competent national authority to fulfil its tasks properly for the purposes of this Directive *in accordance with Article 15(1) of Directive (EU)2016/680 and Article 41(4) of Directive 2015/849 in their respective scope of application.***

Or. en

**Amendment 215**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 15 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) avoid obstructing official or legal inquiries, analyses, investigations or procedures for the purposes of this Directive and to *ensure that* the prevention, investigation and detection of money laundering, terrorist financing *or***

**(b) avoid obstructing official or legal inquiries, analyses, investigations or procedures for the purposes of this Directive and to *avoid jeopardising* the prevention, investigation and detection of money laundering, terrorist financing *and***

*other serious criminal offences is not jeopardised.*

*terrorism.*

Or. en

**Amendment 216**

**Eva Joly**

**Proposal for a directive**

**Article –16 (new)**

*Text proposed by the Commission*

*Amendment*

**Article -16**

***European Financial Intelligence Unit***

***The Commission shall set up a European Financial Intelligence Unit (EFIU) to facilitate coordination, including the exchange of information between FIUs within the Union. The EFIU shall coordinate, assist and support Member States Financial Information Units in cross-border cases. The EFIU shall lend support to those Member States especially in maintaining and developing the technical infrastructure for ensuring the exchange of information, assisting them in joint analysis of cross border cases and strategic analysis, and coordinate the work of Member States Financial Information Units for cross-border cases. The Commission shall provide the EFIU with adequate financial, human and technical resources in order to fulfil its tasks.***

Or. en

**Amendment 217**

**Kostas Chrysogonos**

**Proposal for a directive**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall review the effectiveness of their systems to combat ***serious criminal*** offences by maintaining comprehensive statistics.

*Amendment*

1. Member States shall review the effectiveness of their systems to combat ***money laundering, the associate offences and terrorist financing*** by maintaining comprehensive statistics ***on access, exchange and use of financial information for the purposes of this Directive***.

Or. en

**Amendment 218**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Emilian Pavel, Ana Gomes**

**Proposal for a directive  
Article 18 – paragraph 1**

*Text proposed by the Commission*

1. By [OJ please insert date: ***three*** years after the date of transposition of this Directive] at the latest, and every three years thereafter, the Commission shall draw up a report on the implementation of this Directive and submit it to the European Parliament and to the Council. The report shall be made public.

*Amendment*

1. By [OJ please insert date: ***two*** years after the date of transposition of this Directive] at the latest, and every three years thereafter, the Commission shall draw up a report on the implementation of this Directive and submit it to the European Parliament and to the Council. The report shall be made public.

Or. en

**Amendment 219**

**Caterina Chinnici, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Emilian Pavel**

**Proposal for a directive  
Article 18 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. No later than 2 years after the date of transposition of this Directive the Commission shall assess the appropriateness of establishing a Union***

***Financial Intelligence Unit and shall, if appropriate, present a legislative proposal.***

Or. en

**Amendment 220**

**Caterina Chinnici, Ana Gomes, Vilija Blinkevičiūtė, Cécile Kashetu Kyenge, Emilian Pavel**

**Proposal for a directive**

**Article 19 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive by XXY [26 months after the date of entry into force of Directive (EU) (...)/2018: OJ please insert number of Directive amending Directive (EU) 2015/849] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

*Amendment*

Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive by XXY [22 months after the date of entry into force of Directive (EU) (...)/2018: OJ please insert number of Directive amending Directive (EU) 2015/849] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Or. en