



2022/0398(COD)

16.5.2023

AMENDMENTS

25 - 58

Draft opinion
Vlad Gheorghe
(PE746.791v01-00)

Definition of criminal offences and penalties for the violation of Union restrictive measures

Proposal for a directive
(COM(2022)0684 – C9-0401/2022 – 2022/0398(COD))

Amendment 25
Pierre Larrouturou

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) Persons, entities and bodies, which are designated individually in Union restrictive measures and subject to those Union restrictive measures, may often be involved as instigators and accomplices. For instance, the practice by designated persons and entities of transferring funds, property or economic resources to a third party with a view to circumvent Union restrictive measures is increasingly widespread. Therefore, this conduct is covered by the circumvention offence approximated by this Directive.

Amendment

(6) Persons, entities and bodies, which are designated individually in Union restrictive measures and subject to those Union restrictive measures, ***as well as dependants of those natural persons***, may often be involved as instigators and accomplices. For instance, the practice by designated persons, ***notably family members***, and entities of transferring funds, property or economic resources to a third party with a view to circumvent Union restrictive measures is increasingly widespread ***and undermines the effectiveness of Union restrictive measures***. Therefore, this conduct is covered by the circumvention offence approximated by this Directive.

Or. en

Amendment 26
Eleni Stavrou

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) Persons, entities and bodies, which are designated individually in Union restrictive measures and subject to those Union restrictive measures, may often be involved as instigators and accomplices. For instance, the practice by designated persons and entities of transferring funds, property or economic resources to a third party with a view to circumvent Union restrictive measures is increasingly

Amendment

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widespread. Therefore, this conduct is covered by the circumvention offence approximated by this Directive.

widespread ***and risks to undermine the objectives of the Union restrictive measures***. Therefore, this conduct is covered by the circumvention offence approximated by this Directive.

Or. en

Amendment 27

Rasmus Andresen

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) Persons, entities and bodies, which are designated individually in Union restrictive measures and subject to those Union restrictive measures, may often be involved as instigators and accomplices. For instance, the practice by designated persons and entities of transferring funds, property or economic resources to a third party with a view to circumvent Union restrictive measures is increasingly widespread. Therefore, this conduct is covered by the circumvention offence approximated by this Directive.

Amendment

(6) Persons, entities and bodies, which are designated individually in Union restrictive measures and subject to those Union restrictive measures, may often be involved as instigators and accomplices. For instance, the practice by designated persons and entities of transferring funds, property or economic resources to a third party with a view to circumvent Union restrictive measures is increasingly widespread ***and needs to be addressed***. Therefore, this conduct is covered by the circumvention offence approximated by this Directive.

Or. en

Amendment 28

Pierre Larrouturou

Proposal for a directive

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) (6 a) Violation of the Union restrictive measures is most notably motivated by considerations of financial

gain. While generating profits, the circumvention of restrictive measures enables the continued use of frozen assets in ways which undermine the objectives and effectiveness of those restrictive measures. Proceeds resulting from the violation of Union restrictive measures or instruments used to pursue the violation of restrictive measures should become the object of confiscation. The net revenue from such confiscated assets, and in particular those resulting from the violation of restrictive measures in Council Regulation (EU) No 269/2014^{1a} and Council Regulation (EU) No 833/2014^{1b} should serve the goal of the reconstruction of Ukraine and compensation to the local victim population, in line with the Directive (EU) [...] of the European Parliament and of the Council [on asset recovery and confiscation]^{1c}.

^{1a} Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 78, 17.3.2014, p. 6)

^{1b} Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 229, 31.7.2014, p. 1).

^{1c} COM(2022) 245.

Or. en

Amendment 29
Rasmus Andresen
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) *Violation of the Union restrictive measures is often linked to other criminal activities and motivated by considerations of financial gain. While generating profits, the circumvention of restrictive measures enables the continued use of assets. This undermines the objectives of those restrictive measures and hence needs to be addressed.*

Or. en

Amendment 30
Pierre Larroutourou

Proposal for a directive
Recital 19

Text proposed by the Commission

Amendment

(19) To ensure the effective investigation and prosecution of violations of Union restrictive measures, Member States' competent authorities should cooperate through and with Europol, Eurojust and the European Public Prosecutor's Office (EPPO). ***These*** competent authorities should also share information among each other and with the Commission on practical issues.

(19) To ensure the effective investigation and prosecution of violations of Union restrictive measures, Member States' competent authorities should cooperate through and with Europol, Eurojust and the European Public Prosecutor's Office (EPPO). ***Given the EPPO's current mandate is restricted to offences that affect the financial interests of the Union, the EPPO can only prosecute violations of Union restrictive measures in certain cases. Members States'*** competent authorities should also share information among each other and with the Commission on practical issues.

Or. en

Amendment 31
Eleni Stavrou

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) To ensure the effective investigation and prosecution of violations of Union restrictive measures, Member States' competent authorities should cooperate through and with Europol, Eurojust and the European Public Prosecutor's Office (EPPO). These competent authorities should also share information among each other and with the Commission on practical issues.

Amendment

(19) To ensure the effective investigation and prosecution of violations of Union restrictive measures, Member States' competent authorities should cooperate through and with Europol, Eurojust and the European Public Prosecutor's Office (EPPO) ***within the limits of their respective mandates***. These competent authorities should also share information among each other and with the Commission on practical issues.

Or. en

Amendment 32
Pierre Larrouturou

Proposal for a directive
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Offences consisting in violation of the Union restrictive measures which involve designated persons, their dependants, entity or body, listed in the legal acts of the Union on restrictive measures, such as Council Regulation (EU) No 269/2014 and Council Regulation (EU) No 833/2014, need to be considered in the light of the crimes against the financial interests of the Union.

Or. en

Amendment 33
Rasmus Andresen
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) The objectives of this Directive, namely to ensure common definitions of offences related to the violation of Union restrictive measures and the availability of effective, dissuasive and proportionate criminal penalties for serious offences related to the violation of Union restrictive measures cannot be sufficiently achieved by Member States but can rather, by reason of the scale and effects of this Directive, be better achieved at Union level, taking into account the inherent cross-border nature of the violation of Union restrictive measures and their potential to undermine the achievement of the Union objectives to safeguard international peace and security as well as to uphold Union common values. Therefore the Union may adopt measures, in accordance with the principle of subsidiarity as set out in accordance with Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.

Amendment

(23) The objectives of this Directive, namely to ensure common definitions of offences related to the violation of Union restrictive measures and the availability of effective, dissuasive and proportionate criminal penalties for serious offences related to the violation of Union restrictive measures cannot be sufficiently achieved by Member States but can rather, by reason of the scale and effects of this Directive, be better achieved at Union level ***including through the active involvement of EPPO within the scope of its mandate***, taking into account the inherent cross-border nature of the violation of Union restrictive measures and their potential to undermine the achievement of the Union objectives to safeguard international peace and security as well as to uphold Union common values. Therefore the Union may adopt measures, in accordance with the principle of subsidiarity as set out in accordance with Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.

Or. en

Amendment 34
Pierre Larrouturou

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) The objectives of this Directive, namely to ensure common definitions of offences related to the violation of Union restrictive measures and the availability of effective, dissuasive and proportionate criminal penalties for serious offences

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related to the violation of Union restrictive measures cannot be sufficiently achieved by Member States but can rather, by reason of the scale and effects of this Directive, be better achieved at Union level, taking into account the inherent cross-border nature of the violation of Union restrictive measures and their potential to undermine the achievement of the Union objectives to safeguard international peace and security as well as to uphold Union common values **and defend the Union financial interests**. Therefore the Union may adopt measures, in accordance with the principle of subsidiarity as set out in accordance with Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.

Or. en

Amendment 35
Eleni Stavrou

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) The objectives of this Directive, namely to ensure common definitions of offences related to the violation of Union restrictive measures and the availability of effective, dissuasive and proportionate criminal penalties for serious offences related to the violation of Union restrictive measures cannot be sufficiently achieved by Member States but can rather, by reason of the scale and effects of this Directive, be better achieved at Union level, taking into account the inherent cross-border nature of the violation of Union restrictive measures and their potential to undermine the achievement of the Union objectives to safeguard international peace and security

Amendment

(23) The objectives of this Directive, namely to ensure common definitions of offences related to the violation of Union restrictive measures and the availability of effective, dissuasive and proportionate criminal penalties for serious offences related to the violation of Union restrictive measures cannot be sufficiently achieved by Member States but can rather, by reason of the scale and effects of this Directive, be better achieved at Union level, taking into account the inherent cross-border nature of the violation of Union restrictive measures and their potential to undermine the achievement of the Union objectives to safeguard international peace and security

as well as to uphold Union common values. Therefore the Union may adopt measures, in accordance with the principle of subsidiarity as set out in accordance with Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.

as well as to uphold Union common values ***and defend the Union financial interests.*** Therefore the Union may adopt measures, in accordance with the principle of subsidiarity as set out in accordance with Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.

Or. en

Amendment 36
Rasmus Andresen
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) The monetary value of such confiscated assets should be reintroduced into legal economy. Where the confiscated assets stem from the crime of Russian aggression against Ukraine and other crimes associated with this aggression, the monetary value of the assets should serve the goal of building and rebuilding of the infrastructure in Ukraine including through the use of financial instruments, as well as the compensation for the victim population.

Or. en

Amendment 37
Rasmus Andresen
on behalf of the Verts/ALE Group

Proposal for a directive
Article 2 – paragraph 2 – point b

Text proposed by the Commission

(b) ‘designated person, entity or body’, means those natural or legal persons, entities or bodies subject to Union restrictive measures consisting in the freezing of funds and economic resources and the prohibition to make funds and economic resources available;

Amendment

(b) ‘designated person, entity or body’, means those natural or legal persons, entities or bodies subject to Union restrictive measures consisting in the freezing of funds and economic resources and the prohibition to make funds and economic resources available, ***as well as Union travel restrictions;***

Or. en

Amendment 38
Vlad Gheorghe

Proposal for a directive
Article 3 – paragraph 2 – point h – point i

Text proposed by the Commission

(i) concealing funds or economic resources owned, held, or controlled by a designated person, entity or body, which should be frozen in accordance with a Union restrictive measure, ***by the transfer of those funds, or economic resources to a third party;***

Amendment

(i) concealing ***funds, including moving, transferring, altering, using, accessing, dealing with, selling, hiring or mortgaging*** funds or economic resources owned, held, or controlled by a designated person, entity or body, which should be frozen in accordance with a Union restrictive measure, ***in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or any other change that would enable the funds to be used, including portfolio management;***

Or. en

Amendment 39
Vlad Gheorghe

Proposal for a directive
Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Definition of public official

For the purposes of this Directive, ‘public official’ means:

(a) a Union official or a national official, including any national official of another Member State and any national official of a third country:

(i) ‘Union official’ means a person who is:

— an official or other servant engaged under contract by the Union within the meaning of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 (16) (the ‘Staff Regulations’), or

— seconded to the Union by a Member State or by any public or private body, who carries out functions equivalent to those performed by Union officials or other servants;

(ii) ‘national official’ shall be understood by reference to the definition of ‘official’ or ‘public official’ in the national law of the Member State or third country in which the person in question carries out his or her functions. The term ‘national official’ shall include any person holding an executive, administrative or judicial office at national, regional or local level. Any person holding a legislative office at national, regional or local level shall be assimilated to a national official;

(b) any other person assigned and exercising a public service function involving the execution of Union restrictive measures in Member States or third countries.’

Or. en

Amendment 40
Eleni Stavrou

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission

(3) Member States shall take the necessary measures to ensure that the criminal offences referred to in Article 3(2), points (h)(iii), (iv) and (v), are punishable by a maximum penalty of at least one year of imprisonment when they involve funds or economic resources of a value of at least EUR 100 000. Member States shall ensure that the threshold of EUR 100 000 or more **may** also be met through a series of linked offences referred to in Article 3(2), points (h)(iii), (iv) and (v), when committed by the same offender.

Amendment

(3) Member States shall take the necessary measures to ensure that the criminal offences referred to in Article 3(2), points (h)(iii), (iv) and (v), are punishable by a maximum penalty of at least one year of imprisonment when they involve funds or economic resources of a value of at least EUR 100 000. Member States shall ensure that the threshold of EUR 100 000 or more **can** also be met through a series of linked offences referred to in Article 3(2), points (h)(iii), (iv) and (v), when committed by the same offender.

Or. en

Amendment 41
Eleni Stavrou

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission

(4) Member States shall take the necessary measures to ensure that the criminal offences referred to in Article 3(2), points (a) to (g), (h)(i) and (ii), and point (i), are punishable by a maximum penalty of at least five years of imprisonment when they involve funds or economic resources of a value of at least EUR 100 000. Member States shall ensure that the threshold of EUR 100 000 or more **may** also be met through a series of linked offences referred to in Article 3(2), points (a) to (g), (h)(i) and (ii), and point (i), by the same offender.

Amendment

(4) Member States shall take the necessary measures to ensure that the criminal offences referred to in Article 3(2), points (a) to (g), (h)(i) and (ii), and point (i), are punishable by a maximum penalty of at least five years of imprisonment when they involve funds or economic resources of a value of at least EUR 100 000. Member States shall ensure that the threshold of EUR 100 000 or more **can** also be met through a series of linked offences referred to in Article 3(2), points (a) to (g), (h)(i) and (ii), and point (i), by the same offender.

Amendment 42
Vlad Gheorghe

Proposal for a directive
Article 5 – paragraph 5

Text proposed by the Commission

(5) Member States shall take the necessary measures to ensure that natural persons who have committed the offences referred to in Articles 3 and 4 may be subject to additional penalties. Those additional penalties shall include fines.

Amendment

(5) Member States shall take the necessary measures to ensure that natural persons who have committed the offences referred to in Articles 3 and 4 may be subject to additional penalties. Those additional penalties shall include **maximum fines of at least EUR 10 000 000 when these offences involve funds or economic resources of a value of at least EUR 100 000.**

Amendment 43
Pierre Larrouturou

Proposal for a directive
Article 5 – paragraph 5

Text proposed by the Commission

(5) Member States shall take the necessary measures to ensure that natural persons who have committed the offences referred to in Articles 3 and 4 may be subject to additional penalties. **Those additional penalties** shall include fines.

Amendment

(5) Member States shall take the necessary measures to ensure that natural persons who have committed the offences referred to in Articles 3 and 4 may be subject to additional penalties **which** shall include fines.

Amendment 44
Eleni Stavrou

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

(2) Member States shall take the necessary measures to ensure that for legal persons held liable pursuant to Article 7 the criminal offences referred to in Article 3(2), points (h) (iii) to (v), are punishable by fines, the maximum limit of which should be not less than 1 percent of the **total** worldwide turnover of the legal person in the business year preceding the fining decision.

Amendment

(2) Member States shall take the necessary measures to ensure that for legal persons held liable pursuant to Article 7 the criminal offences referred to in Article 3(2), points (h) (iii) to (v), are punishable by fines, the maximum limit of which should be not less than 1 percent of the **consolidated** worldwide turnover of the legal person in the business year preceding the fining decision.

Or. en

Amendment 45
Eleni Stavrou

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

(3) Member States shall take the necessary measures to ensure that for legal persons held liable pursuant to Article 7 the criminal offences referred to in Article 3(2), points (a) to (f), (h)(i) and (ii), and point (i), are punishable by fines, the maximum limit of which should be not less than 5 percent of the **total** worldwide turnover of the legal person in the business year preceding the fining decision.

Amendment

(3) Member States shall take the necessary measures to ensure that for legal persons held liable pursuant to Article 7 the criminal offences referred to in Article 3(2), points (a) to (f), (h)(i) and (ii), and point (i), are punishable by fines, the maximum limit of which should be not less than 5 percent of the **consolidated** worldwide turnover of the legal person in the business year preceding the fining decision.

Or. en

Amendment 46
Rasmus Andresen
on behalf of the Verts/ALE Group

Proposal for a directive

Article 10 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1 Member States shall ensure that funds or economic resources subject to Union restrictive measures in respect of which the designated person, entity or body, listed in Council Regulation (EU) No 269/2014 and Council Regulation (EU) No 833/2014, commits or participates in an offence referred to in Article 3(2) shall be frozen and confiscated. In addition, Member States shall ensure that regarding party closely related to suspected, accused or convicted person as defined in [Directive on asset recovery and confiscation] Article 13 of [Directive on asset recovery and confiscation] shall fully be implemented and without undue delay.

Or. en

Amendment 47

Rasmus Andresen

on behalf of the Verts/ALE Group

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall take the necessary measures to ensure that funds or economic resources subject to Union restrictive measures in respect of which the designated person, entity or body commits or participates in an offence referred to in Article 3(2), points (h)(i) or (ii), are considered as ‘proceeds’ of crime for the purposes of Directive (EU) [.../...] [Directive on asset recovery and confiscation].

Member States shall take the necessary measures to ensure that funds or economic resources subject to Union restrictive measures in respect of which the designated person, entity or body commits or participates in an offence referred to in Article 3(2), points (h)(i) or (ii), are considered as ‘proceeds’ of crime for the purposes of Directive (EU) [.../...] [Directive on asset recovery and confiscation]. ***The proceeds shall be used for public interest or social purposes, with a particular focus on the victims wherever possible. Member States shall decide for***

which areas of public interest and social purposes the proceeds or the monetary value may be used except for those established as an own resource in accordance with Article 311(3) TFEU and those related to the Russian aggression against Ukraine, which shall constitute external assigned revenue in accordance with Article 21(5) of the Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council^{1a} ('the Financial Regulation') until the establishment of the relevant own resource in accordance with Article 311(3) TFEU and without prejudice to restitution, compensation, to the victims and public concerned and Member States' capacity to implement the Directive.

Or. en

Amendment 48
Pierre Larrouturou

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that funds or economic resources subject to Union restrictive measures in respect of which the designated person, entity or body commits or participates in an offence referred to in Article 3(2), points (h)(i) or (ii), are considered as 'proceeds' of crime for the purposes of Directive (EU) [.../...] [Directive on asset recovery and confiscation].

Amendment

Member States shall take the necessary measures to ensure that funds or economic resources subject to Union restrictive measures in respect of which the designated person **or their dependants**, entity or body commits or participates in an offence referred to in Article 3(2), points (h)(i) or (ii), are considered as 'proceeds' of crime for the purposes of Directive (EU) [.../...] [Directive on asset recovery and confiscation].

Or. en

Amendment 49
Pierre Larrouturou

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

Text proposed by the Commission

Amendment

Member States shall take measures allowing net revenues resulting from the liquidation of confiscated assets referred to in Article 10, paragraph 1 to be used for public interest or social purposes, with a particular focus on the victims wherever possible. Where the fines referred to in Article 5(5) and Article 7(2) and (3) are related to the offences referred to in Articles 3 and 4 and are linked to the violation of Union restrictive measures in the context of the Russian war of aggression against Ukraine, they should serve the goal of rebuilding the infrastructure and compensating the victim population.

Or. en

Amendment 50
Pierre Larrouturou

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

Text proposed by the Commission

Amendment

Member States shall decide for which areas of public interest and social purposes the net revenue resulting from the liquidation of confiscated funds or economic resources may be used, except for those established as an own resource in accordance with Article 311(3) TFEU; proceeds resulting from the criminal offences listed in Article 3(2)(h)(i) and (ii) and related to the Russian war of aggression against Ukraine shall constitute external assigned revenue in accordance with Article 21(5) of the Regulation (EU, Euratom) 2018/1046 of

the European Parliament and of the Council^{1a} ('the Financial Regulation') until the establishment of the relevant own resource in accordance with Article 311(3) TFEU and without prejudice to restitution, compensation, to the victims and public concerned and Member States' capacity to implement the Directive.

^{1a} 1a Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

Or. en

Amendment 51
Pierre Larrouturou

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

Text proposed by the Commission

Amendment

The net revenues resulting from the liquidation of confiscated assets or economic resources related to the criminal offences listed in Article 3(2)(h)(i) and (ii) and related to the Russian war of aggression against Ukraine shall be mainly assigned to the Neighbourhood, Development and International Cooperation Instrument – Global Europe on the Eastern Neighbourhood line (14 02 01 11) and, where appropriate, to the NDICI - Global Europe - provisioning of the common provisioning fund line (14 02 01 70)

under Heading 6 and the successor budget lines in the next multiannual financial framework.

Or. en

Amendment 52
Pierre Larrouturou

Proposal for a directive
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

For the purposes of this Directive, when the notion of competent authorities refers to investigating and prosecuting authorities, it shall be interpreted as including the central and decentralised levels of the EPPO with regard to the Member States that participate in the enhanced cooperation on the establishment of the EPPO.

Or. en

Amendment 53
Pierre Larrouturou

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall take the necessary measures to ensure that effective investigative tools, such as those which are used in investigating organised crime or other serious crime cases, are also available for investigating or prosecuting offences referred to in Articles 3 and 4.

Member States shall take the necessary measures to ensure that effective investigative tools *and mechanisms*, such as those which are used in investigating organised crime or other serious crime cases, are also available for investigating or prosecuting offences referred to in Articles 3 and 4.

Or. en

Amendment 54
Eleni Stavrou

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

(1) Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States' authorities, Europol, Eurojust, the European Public Prosecutor's Office, and the Commission shall, within their respective competences, cooperate with each other in the fight against the criminal offences referred to in Articles 3 and 4. To that end, the Commission, and where appropriate, Europol *and* Eurojust, shall provide technical and operational assistance in order to facilitate the coordination of investigations and prosecutions by the competent authorities.

Amendment

(1) Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States' authorities, Europol, Eurojust, the European Public Prosecutor's Office, and the Commission shall, within their respective competences, cooperate with each other in the fight against the criminal offences referred to in Articles 3 and 4. To that end, the Commission, and where appropriate, Europol, Eurojust *and EPPO in regards to Member States participating in the enhanced cooperation on the establishment of the EPPO are involved*, shall provide technical and operational assistance in order to facilitate the coordination of investigations and prosecutions by the competent authorities.

Or. en

Amendment 55
Pierre Larrouturou

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

(1) Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States' authorities, Europol, Eurojust, the European Public Prosecutor's Office, and the Commission shall, within their respective competences, cooperate with each other in the fight against the criminal

Amendment

(1) Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member States' authorities, Europol, Eurojust, the European Public Prosecutor's Office, *when Member States participating in the enhanced cooperation on the establishment of the EPPO are involved*,

offences referred to in Articles 3 and 4. To that end, the Commission, and where appropriate, Europol and Eurojust, shall provide technical and operational assistance in order to facilitate the coordination of investigations and prosecutions by the competent authorities.

and the Commission shall, within their respective competences, cooperate with each other in the fight against the criminal offences referred to in Articles 3 and 4. To that end, the Commission, and where appropriate, Europol and Eurojust shall provide technical and operational assistance in order to facilitate the coordination of investigations and prosecutions by the competent authorities.

Or. en

Amendment 56
Pierre Larrouturou

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

(2) Member States' competent authorities shall also regularly share information on practical issues, in particular, patterns of circumvention, e.g. structures to conceal the beneficial ownership and control of assets, with the Commission and other competent authorities.

Amendment

(2) Member States' competent authorities shall also regularly share information on practical issues, in particular, patterns of circumvention, e.g. structures to conceal the beneficial ownership and control of assets, with the Commission, **EPPO** and other competent authorities, ***within the exercise of their respective competences.***

Or. en

Amendment 57
Eleni Stavrou

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

(2) Member States' competent authorities shall also regularly share information on practical issues, in particular, patterns of circumvention, e.g.

Amendment

(2) Member States' competent authorities shall also regularly share information ***between them and with the Commission*** on practical issues, in

structures to conceal the beneficial ownership and control of assets, *with the Commission and other competent authorities*.

particular, patterns of circumvention, e.g. structures to conceal the beneficial ownership and control of assets.

Or. en

Amendment 58
Pierre Larrouturou

Proposal for a directive
Article 19 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the number of criminal proceedings referred to the EPPO

Or. en