



**2021/0244(COD)**

25.1.2022

# AMENDMENTS

## 1 - 8

### **Draft opinion**

**Inese Vaidere**

(PE700.736v01-00)

on the proposal for a directive of the European Parliament and of the Council amending Directive (EU) 2019/1153 of the European Parliament and of the Council, as regards access of competent authorities to centralised bank account registries through the single access point

Proposal for a directive

(COM(2021)0429 – C9-0338/2021 – 2021/0244(COD))



**Amendment 1**  
**Lídia Pereira**

**Proposal for a directive**  
**Recital 1**

*Text proposed by the Commission*

(1) Facilitating access to financial information is ***necessary to prevent, detect, investigate or prosecute*** serious crime, including terrorism. In particular, swift access to financial information is essential for carrying out effective criminal investigations and for ***successfully*** tracing and ***subsequently*** confiscating instrumentalities and proceeds of crime.

*Amendment*

(1) Facilitating access to financial information is ***of assistance in preventing crime, detecting suspicious activity, assisting criminal investigations or carrying out criminal law prosecutions of*** serious crime, including terrorism, ***terrorist financing, money laundering or organised crime***. In particular, swift access to financial information, ***strictly respecting the fundamental rights of citizens***, is essential for carrying out effective criminal investigations and for tracing and confiscating instrumentalities and proceeds of crime.

Or. pt

**Amendment 2**  
**Eero Heinäluoma, Kira Marie Peter-Hansen**

**Proposal for a directive**  
**Recital 2 a (new)**

*Text proposed by the Commission*

***(2a) Financial Intelligence Units (FIUs) should endeavour to exchange financial information or financial analysis to prevent and combat money laundering, the associated predicate offences and terrorist financing more effectively as provided in Directive (EU) 2015/849.***

*Amendment*

Or. en

**Amendment 3**  
**Lídia Pereira**

**Proposal for a directive**  
**Recital 5**

*Text proposed by the Commission*

(5) Considering the cross-border nature of organised crime and money laundering as well as the importance of relevant financial information for the purposes of combating criminal activities, including by swiftly tracing, freezing and confiscating illegally obtained assets where possible and appropriate, authorities competent for the prevention, detection, investigation or prosecution of criminal offences designated in accordance with Directive (EU) 2019/1153 should be able to directly access and search the centralised bank account registries of other Member States through the BAR single access point put in place pursuant to Directive (EU) YYYY/XX.

*Amendment*

(5) Considering the cross-border nature of organised crime and money laundering as well as the importance of relevant financial information for the purposes of combating criminal activities, including by swiftly tracing, freezing and confiscating illegally obtained assets where possible and appropriate, authorities competent for the prevention, detection, investigation or prosecution of criminal offences designated in accordance with Directive (EU) 2019/1153 should be able to directly access and search the centralised bank account registries of other Member States through the BAR single access point put in place pursuant to Directive (EU) YYYY/XX, ***ensuring strict respect for fundamental rights and the highest standards of protection for citizens' privacy and personal data.***

Or. pt

**Amendment 4**  
**Lídia Pereira**

**Proposal for a directive**  
**Recital 6**

*Text proposed by the Commission*

(6) The safeguards and limitations already established by Directive (EU) 2019/1153 should also apply in respect of the possibilities to access and search bank account information, through the BAR single access point, established by the present Directive. These safeguards and limitations include those concerning the

*Amendment*

(6) The safeguards and limitations already established by Directive (EU) 2019/1153 should also apply in respect of the possibilities to access and search bank account information, through the BAR single access point, established by the present Directive. These safeguards and limitations include, ***in particular,*** those

limitation to the authorities that have the power to access and search bank account information, the purposes for which the access and search may be conducted, the types of information that are accessible and searchable, requirements applicable to the staff of the designated competent authorities, the security of the data and the logging of access and searches.

concerning the limitation to the authorities that have the power to access and search bank account information, the purposes for which the access and search may be conducted, the types of information that are accessible and searchable, requirements applicable to the staff of the designated competent authorities, the security of the data and the logging of access and searches.

Or. pt

## **Amendment 5**

**Eero Heinäluoma, Kira Marie Peter-Hansen**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point -1 (new)**

Directive (EU) 2019/1153

Article 1 – paragraph 1

#### *Present text*

This Directive lays down measures to facilitate access to and the use of financial information and bank account information by competent authorities for the prevention, detection, investigation or prosecution of serious criminal offences. It also lays down measures to facilitate access to law enforcement information by Financial Intelligence Units ('FIUs') for the prevention and combating of money laundering, associate predicate offences and terrorist financing ***and measures to facilitate cooperation between FIUs.***

#### *Amendment*

#### ***(-1) Article 1(1) is replaced by the following:***

"This Directive lays down measures to facilitate access to and the use of financial information and bank account information by competent authorities for the prevention, detection, investigation or prosecution of serious criminal offences. It also lays down measures to facilitate access to law enforcement information by Financial Intelligence Units ('FIUs') for the prevention and combating of money laundering, associate predicate offences and terrorist financing."

Or. en

*(Directive 2019/1153)*

#### *Justification*

*Measures to facilitate cooperation between FIUs should be carried out under the legal basis*

*provided by the Anti-money Laundering Directive.*

## **Amendment 6**

**Eero Heinäluoma, Kira Marie Peter-Hansen**

### **Proposal for a directive**

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

Directive (EU) 2019/1153

Article 9

*Present text*

*Amendment*

*Article 9*

**(1a) Article 9 is deleted.**

*Exchange of information between FIUs  
of different Member States*

**1. Member States shall ensure that in exceptional and urgent cases, their FIUs are entitled to exchange financial information or financial analysis that may be relevant for the processing or analysis of information related to terrorism or organised crime associated with terrorism.**

**2. Member States shall ensure that in the cases referred to in paragraph 1 and subject to their operational limitations, FIUs endeavour to exchange such information promptly.**

Or. en

*(Directive 2019/1153)*

*Justification*

*Art 53 of the current AMLD5 introduces a broad legal basis for exchange of information between FIUs regarding money laundering and predicate offences, including terrorism. Article 9 of Directive (EU) 2019/1153 has therefore introduced an inconsistency regarding the legal basis for the exchange of information between FIUs in the EU, and, to avoid legal uncertainty, it should be deleted. Article 53 of the AMLD5 - and its replacing Article 24 of the Commission proposal for AMLD6 - should be the sole legal basis for exchange of information between FIUs.*

## **Amendment 7**

**Victor Negrescu**

**Proposal for a directive**  
**Article 2 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [XXYY] [transposition period to be aligned with the application date set by the new Anti-Money Laundering Directive for the application of the provisions for interconnecting the centralised automated mechanism] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

*Amendment*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [XXYY] [transposition period to be aligned with the application date set by the new Anti-Money Laundering Directive for the application of the provisions for interconnecting the centralised automated mechanism] at the latest. They shall forthwith communicate to the Commission the text of those provisions. ***Member States shall ensure that the competent authorities implement to good effect the legislative and administrative provisions necessary to comply with this directive and adopted at national level.***

Or. ro

**Amendment 8**  
**Victor Negrescu**

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

*Text proposed by the Commission*

2. Member States shall communicate to the Commission the text of the main provisions of national law that they adopt in the field covered by this Directive.

*Amendment*

2. Member States shall communicate to the Commission the text of the main provisions of national law that they adopt in the field covered by this Directive. ***They shall also communicate to the Commission any textual amendments to national provisions relating to this directive.***

Or. ro