



**2021/0244(COD)**

27.7.2022

# **AMENDMENTS**

## **3 - 14**

**Draft report**

**Emil Radev**

(PE734.352v01-00)

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 3**  
**Fabienne Keller, Lucia Ďuriš Nicholsonová**

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

*Text proposed by the Commission*

*Amendment*

***Having regard to the opinion of the EDPS 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,***

Or. en

**Amendment 4**  
**Caterina Chinnici**

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

*Text proposed by the Commission*

*Amendment*

(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.

(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, ***particularly in organised crime investigations.***

Or. it

**Amendment 5**  
**Joachim Stanisław Brudziński**

**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) **Optimising and** 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.

Or. pl

## Amendment 6

**Joachim Stanisław Brudziński**

**Proposal for a directive**

**Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**(4a) *Swift access to financial information is crucial in preventing and fighting crime effectively, particularly with regard to international activities, organised criminal groups, terrorism and cybercrime, and it could also be a great help in improving existing success rates when it comes to recovering criminal assets.***

Or. pl

## Amendment 7

**Joachim Stanisław Brudziński**

**Proposal for a directive**

**Recital 5**

*Text proposed by the Commission*

*Amendment*

(5) Considering the cross-border nature

(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.

of organised crime, *the financing of terrorism*, 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.

Or. pl

**Amendment 8**  
**Damien Carême**

on behalf of the Verts/ALE Group

**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 *serious* 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.

Or. en

## Amendment 9

Fabienne Keller, Lucia Ďuriš Nicholsonová

### 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 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.

*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 those 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 ***while respecting the principle of data minimisation***, requirements applicable to the staff of the designated competent authorities, the security of the data and the logging of access and searches.

Or. en

## Amendment 10

Damien Carême

on behalf of the Verts/ALE Group

### Proposal for a directive

#### Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

***(6 a) Direct cross-border access of law enforcement authorities to centralised bank account registries through the single access point should be compatible with Union law, and in particular with the rule of law in accordance with Article 2 of the Treaty on European Union (TEU) and***

*with fundamental rights in accordance with Article 6 TEU, including the right to privacy and data protection, the right to an effective remedy and to a fair trial, the presumption of innocence and the right of defence and the principles of the legality and proportionality of criminal offences and penalties, as well as the fundamental rights and principles provided for in 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.*

Or. en

#### *Justification*

*In line with the text used in Directive (EU) 2019/1153 on the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences.*

**Amendment 11**  
**Caterina Chinnici**

**Proposal for a directive**  
**Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**(6a)** *Similarly to under Directive (EU) 2019/1153, and as regards access to and the consultation of bank account information via the BAR single access point, Member States should consider the nature, organisational status, role and prerogatives of the authorities and bodies, established under national law, responsible for preventing, detecting, investigating or prosecuting criminal offences, including the existing mechanisms to protect financial systems from money laundering and terrorist financing.*

**Amendment 12****Damien Carême**

on behalf of the Verts/ALE Group

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

Directive (EU) 2019/1153

Article 4, paragraph 1a (new)

*Text proposed by the Commission*

1a. Member States shall ensure that the competent national authorities designated pursuant to Article 3(1) have the power to access and search, directly and immediately, bank account information in other Member States available through the bank account registers (BAR) single access point put in place pursuant to Article XX of Directive (EU) YYYY/XX [the new Anti-Money Laundering Directive] when necessary for the performance of their tasks for the purposes of preventing, 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..

*Amendment*

1a. Member States shall ensure that the competent national authorities designated pursuant to Article 3(1) have the power to access and search, directly and immediately, bank account information in other Member States available through the bank account registers (BAR) single access point put in place pursuant to Article XX of Directive (EU) YYYY/XX [the new Anti-Money Laundering Directive] when necessary for the performance of their tasks for the purposes of preventing, 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..

***The gathering of bank account information under the first subparagraph shall be proportionate for the purpose of the proceedings, taking into account the rights of the suspected or accused person, and respecting the fact that the search would have been possible under the same conditions in a similar domestic case. Search and access to the bank account information in other Member States through the BAR single access point shall be linked to a specific investigation. Information obtained through access and search of the BAR single access point shall be used only for the purpose for which it was sought. Member States shall ensure that, when conducting cross-***



***border access and searching for information through the single point of access to bank account registers, the competent authorities designated by them respect the procedural rights of individuals and comply with Union rules on personal data protection.***

Or. en

## **Amendment 13**

**Fabienne Keller, Lucia Ďuriš Nicholsonová**

### **Proposal for a directive**

#### **Article 1 – paragraph 1**

Directive (EU) 2019/1153

Article 4

#### *Text proposed by the Commission*

1a. Member States shall ensure that the competent national authorities designated pursuant to Article 3(1) have the power to access and search, directly and immediately, bank account information in other Member States available through the bank account registers (BAR) single access point put in place pursuant to Article XX of Directive (EU) YYYY/XX [the new Anti-Money Laundering Directive] when necessary for the performance of their tasks for the purposes of preventing, 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..

#### *Amendment*

1a. Member States shall ensure that the competent national authorities designated pursuant to Article 3(1) have .the power to access and search, directly and immediately, bank account information in other Member States available through the bank account registers (BAR) single access point put in place pursuant to Article XX of Directive (EU) YYYY/XX [the new Anti-Money Laundering Directive] when necessary for the performance of their tasks for the purposes of preventing, 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.

***Member States shall also ensure that the staff of the competent authorities having access through the single access point maintain high professional standards of confidentiality and data protection, are of high integrity and are appropriately skilled.***

**Amendment 14**

**Fabienne Keller, Lucia Ďuriš Nicholsonová**

**Proposal for a directive**

**Article 1 – paragraph 1**

Directive (EU) 2019/1153

Article 4

*Text proposed by the Commission*

*Amendment*

***1a a. The following would be added as paragraph 1.1a***

***Member States shall take adequate measures to ensure that the historical information on closed customer-account holders, bank or payment accounts and safe deposit boxes is made available through their national centralised automated mechanisms and through the single access point interconnecting the centralised automated mechanisms referred to in this paragraph for a period of at least 5 years after the closure, without prejudice to other data retention requirements allowing case-by-case decisions to facilitate criminal or administrative proceedings. The access to that information shall be deemed in accordance with data protection rules.***

Or. en