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AMENDMENTS

41 - 258

Draft report
Sophia in 't Veld
(PE746.946v01-00)

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 41
Leopoldo López Gil

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) In order to ensure the effective application of Union restrictive measures, the integrity of the internal market within the Union, and to achieve a high level of security within the Area of Freedom, Security and Justice, it is necessary to establish minimum rules concerning the definition of criminal offences and penalties with regard to the violation of those Union restrictive measures.

Amendment

(1) In order to ensure the effective application of Union restrictive measures, the integrity of the internal market within the Union, and to achieve a high level of security within the Area of Freedom, Security and Justice, it is necessary to establish **common** minimum rules concerning the definition of criminal offences and penalties with regard to the violation of those Union restrictive measures.

Or. es

Amendment 42
Clare Daly

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) In order to ensure the effective application of Union restrictive measures, the integrity of the internal market within the Union, and to achieve a high level of security within the Area of Freedom, Security and Justice, it is necessary to establish minimum rules concerning the definition of criminal offences and penalties with regard to the violation of **those** Union restrictive measures.

Amendment

(1) In order to ensure the effective application of Union restrictive measures, the integrity of the internal market within the Union, and to achieve a high level of security within the Area of Freedom, Security and Justice, it is necessary to establish minimum rules concerning the definition of criminal offences and penalties with regard to the violation of **certain** Union restrictive measures.

Or. en

Amendment 43
Clare Daly

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) Union restrictive measures, such as measures concerning the freezing of funds and economic resources, the prohibitions on making funds and economic resources available and the prohibitions on entry into or transit through the territory of a Member State, as well as sectoral economic measures and arms embargoes, are an essential tool for the promotion of the objectives of the Common Foreign and Security Policy, as set out in Article 21 of the Treaty on European Union ('TEU'). Those objectives include safeguarding the Union's values, security, independence and integrity, consolidating and supporting democracy, the rule of law, human rights and the principles of international law and maintaining international peace, preventing conflicts and strengthening international security in line with the aims and principles of the United Nations Charter.

Amendment

deleted

Or. en

Amendment 44
Leopoldo López Gil

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) To ensure the effective application of Union restrictive measures, it is necessary that Member States have effective, proportionate and dissuasive penalties in place for *the violation of* those Union restrictive measures, including obligations, such as reporting, established therein. It is also necessary that those

Amendment

(3) To ensure the effective application of Union restrictive measures, it is necessary that Member States have effective, proportionate and dissuasive penalties in place for *natural or legal persons who violate or breach* those Union restrictive measures, including obligations, such as *transparency and information*

penalties address the circumvention of Union restrictive measures.

reporting, established therein. It is also necessary that those penalties address the circumvention of Union restrictive measures.

Or. es

Amendment 45
Clare Daly

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) To ensure the effective application of Union restrictive measures, it is necessary that Member States have effective, proportionate and dissuasive penalties in place for the violation of those Union restrictive measures, including obligations, such as reporting, established therein. It is also necessary that those penalties address the circumvention of Union restrictive measures.

Amendment

(3) To ensure the effective application of ***certain*** Union restrictive measures, it is necessary that Member States have effective, proportionate and dissuasive penalties in place for the violation of those Union restrictive measures, including obligations, such as reporting, established therein. It is also necessary that those penalties address the circumvention of Union restrictive measures.

Or. en

Amendment 46
Patryk Jaki

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) The effective application of Union restrictive measures calls for common ***criminal*** definitions of conduct infringing Union restrictive measures. Member States should ensure that this conduct constitutes a criminal offence when committed with intent ***as well as with serious negligence, in case the natural or legal person knew or should have known, that their conduct would infringe Union restrictive***

Amendment

(4) The effective application of Union restrictive measures calls for common definitions of conduct infringing Union restrictive measures. Member States should ensure that this conduct constitutes a criminal offence when committed with intent.

measures.

Or. pl

Amendment 47
Leopoldo López Gil

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) The effective application of Union restrictive measures calls for common criminal definitions of conduct infringing Union restrictive measures. Member States should ensure that this conduct constitutes a criminal offence when committed with intent *as well as with* serious **negligence**, in case the natural or legal person knew or should have known, that their conduct would infringe Union restrictive measures.

Amendment

(4) The effective application of Union restrictive measures calls for common criminal definitions of conduct **violating and** infringing Union restrictive measures. Member States should ensure that this conduct constitutes a criminal offence when committed with **premeditation**, intent, **malice, negligence or** serious **recklessness**, in case the natural or legal person knew or should have known, that their conduct would infringe union restrictive measures.

Or. es

Amendment 48
Clare Daly

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) The effective application of Union restrictive measures calls for common **criminal** definitions of conduct **infringing** Union restrictive measures. Member States should ensure that this conduct constitutes a criminal offence when committed with intent *as well as with* **serious negligence**, **in case the natural or legal person knew or should have known, that their conduct would** infringe Union restrictive measures.

Amendment

(4) The effective application of Union restrictive measures calls for common definitions of conduct **that amounts to criminality in regards to the infringement of** Union restrictive measures. Member States should ensure that this conduct constitutes a criminal offence when committed with intent **to** infringe Union restrictive measures.

Amendment 49

Karolin Braunsberger-Reinhold, Emil Radev, Lena Düpont

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) The effective application of Union restrictive measures calls for common criminal definitions of conduct infringing Union restrictive measures. Member States should ensure that this conduct constitutes a criminal offence when committed with intent as well as with *serious* negligence, in case the natural or legal person knew or should have known, that their conduct would infringe Union restrictive measures.

Amendment

(4) The effective application of Union restrictive measures calls for common criminal definitions of conduct infringing Union restrictive measures. Member States should ensure that this conduct constitutes a criminal offence when committed with intent as well as with *gross* negligence, in case the natural or legal person knew or should have known, that their conduct would infringe Union restrictive measures.

Or. en

Amendment 50

Saskia Bricmont

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) The effective application of Union restrictive measures calls for common criminal definitions of conduct infringing Union restrictive measures. Member States should ensure that *this conduct constitutes* a criminal offence when committed with intent *as well as* with serious negligence, in case the natural or legal person knew or should have known, that their conduct would infringe Union restrictive measures.

Amendment

(4) The effective application of Union restrictive measures calls for common criminal definitions of conduct infringing Union restrictive measures. Member States should ensure that *these conducts constitute* a criminal offence when committed with intent *or* with serious negligence, in case the natural or legal person knew or should have known, that their conduct would infringe Union restrictive measures.

Or. en

Amendment 51

Clare Daly

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

deleted

Or. en

Amendment 52

Thijs Reuten

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

Amendment 53
Saskia Bricmont

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 ***of violations or circumventions of such measures***. 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.

Or. en

Amendment 54
Leopoldo López Gil

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

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, ***instrumental collaborators and/or*** 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

covered by the circumvention offence approximated by this Directive.

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

Or. es

Amendment 55
Thijs Reuten

Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) *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. Where the assets are confiscated in connection with the Russian war of aggression on Ukraine or associated crimes, without prejudice to restitution to and compensation of the victims or the public concerned by the criminal offence, the confiscated assets or the net proceeds resulting from the liquidation of such assets should be assigned to contributions towards the reconstruction efforts of Ukraine.*

Or. en

Amendment 56
Clare Daly

Proposal for a directive
Recital 7

Text proposed by the Commission

Amendment

(7) *Legal professionals, as defined by*

(7) *There should be exemptions for*

the Member States, should be subject to this Directive, including the obligation to report the violation of Union restrictive measures, when providing services in the context of professional activities, such as legal, financial and trade services. Experience shows that there is a clear risk of the services of those legal professionals being misused for the purpose of violating Union restrictive measures. There should, however, be exemptions from any obligation to report information which is obtained in strict connection with judicial, administrative or arbitral proceedings, whether before, during or after judicial proceedings, or in the course of ascertaining the legal position of a client. Therefore, legal advice in those circumstances should remain subject to the obligation of professional secrecy, except where the legal professional is taking part in the violation of Union restrictive measures, the legal advice is provided for the purposes of violating Union restrictive measures, or the legal professional knows that the client is seeking legal advice for the purposes of violating Union restrictive measures. Knowledge can be inferred from objective factual circumstances.

legal professionals from any obligation to report information which is obtained in strict connection with judicial, administrative or arbitral proceedings, whether before, during or after judicial proceedings, or in the course of ascertaining the legal position of a client. Therefore, legal advice in those circumstances should remain subject to the obligation of professional secrecy.

Or. en

Amendment 57
Saskia Bricmont

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) Legal professionals, as defined by the Member States, should be subject to this Directive, including the obligation to report the violation of Union restrictive measures, when providing services in the context of professional activities, **such as legal, financial and trade services.** Experience shows that there is a clear risk

Amendment

(7) Legal professionals, as defined by the Member States, **as well as providers of other professional services, such as accountants, tax advisors, financial and trade advisers, real estate agents and migration advisers,** should be subject to this Directive, including the obligation to report the violation of Union restrictive

of the services of those legal professionals being misused for the purpose of violating Union restrictive measures. There should, however, be exemptions from any obligation to report information which is obtained in strict connection with judicial, administrative or arbitral proceedings, whether before, during or after judicial proceedings, *or* in the course of ascertaining the legal position of a client. Therefore, legal advice in those circumstances should remain subject to the obligation of professional secrecy, except where the legal professional is taking part in the violation of Union restrictive measures, the legal advice is provided for the purposes of violating Union restrictive measures, or the legal professional knows that the client is seeking legal advice for the purposes of violating Union restrictive measures. Knowledge can be inferred from objective factual circumstances.

measures, when providing services in the context of professional activities. Experience shows that there is a clear risk of the services of those legal professionals being misused for the purpose of violating Union restrictive measures. ***For legal professionals***, there should, however, be exemptions from any obligation to report information which is obtained in strict connection with judicial, administrative or arbitral proceedings, whether before, during or after judicial proceedings. ***Information which is obtained by legal professionals*** in the course of ascertaining the legal position of a client ***should also be covered by legal privilege, but only to the strict extent that such activities aim at establishing the rights and obligations of clients, in contrast to non-legal advice.*** Therefore, legal advice in those circumstances should remain subject to the obligation of professional secrecy, except where the legal professional is taking part in the violation of Union restrictive measures, the legal advice is provided for the purposes of violating Union restrictive measures, or the legal professional knows ***or has a well-grounded suspicion on the basis of factual circumstances*** that the client is seeking legal advice for the purposes of violating Union restrictive measures. Knowledge can be inferred from objective factual circumstances.

Or. en

Amendment 58
Leopoldo López Gil

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) Legal professionals, as defined by the Member States, should be subject to this Directive, including the obligation to report the violation of Union restrictive

Amendment

(7) Legal professionals, as defined by the Member States, should be subject to this Directive, including the obligation to report the violation of Union restrictive

measures, when providing services in the context of professional activities, such as legal, financial and trade services. Experience shows that there is a clear risk of the services of those legal professionals being misused for the purpose of violating Union restrictive measures. There should, however, be exemptions from any obligation to report information which is obtained in strict connection with judicial, administrative or arbitral proceedings, whether before, during or after judicial proceedings, or in the course of ascertaining the legal position of a client. Therefore, legal advice in those circumstances should remain subject to the obligation of professional secrecy, except where the legal professional is taking part in the violation of Union restrictive measures, the legal advice is provided for the purposes of violating Union restrictive measures, *or* the legal professional knows that the client is seeking legal advice for the purposes of violating Union restrictive measures. Knowledge can be inferred from objective factual circumstances.

measures, when providing services in the context of professional activities, such as legal, financial and trade services. Experience shows that there is a clear risk of the services of those legal professionals being misused for the purpose of violating Union restrictive measures. There should, however, be exemptions from any obligation to report information which is obtained in strict connection with judicial, administrative or arbitral proceedings, whether before, during or after judicial proceedings, or in the course of ascertaining the legal position of a client. Therefore, legal advice in those circumstances should remain subject to the obligation of professional secrecy, except where the legal professional is taking part in the violation of Union restrictive measures, the legal advice is provided for the purposes of violating Union restrictive measures, ***the legal professional has sufficient grounds to believe that the provided legal advice may be being wilfully used to circumvent Union restrictive measures, or where*** the legal professional knows that the client is seeking legal advice for the purposes of violating Union restrictive measures. Knowledge can be inferred from objective factual circumstances.

Or. es

Amendment 59

Karolin Braunsberger-Reinhold, Emil Radev, Lena Düpont

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) Legal professionals, as defined by the Member States, should be subject to this Directive, including the obligation to report the violation of Union restrictive measures, when providing services in the context of professional activities, such as

Amendment

(7) Legal professionals, as defined by the Member States, should be subject to this Directive, including the obligation to report the violation of Union restrictive measures, when providing services in the context of professional activities, such as

legal, financial and trade services.
Experience shows that there is a clear risk of the services of those legal professionals being misused for the purpose of violating Union restrictive measures. There should, however, be exemptions from any obligation to report information which is obtained in strict connection with judicial, administrative or arbitral proceedings, whether before, during or after judicial proceedings, or in the course of ascertaining the legal position of a client. Therefore, legal advice in those circumstances should remain subject to the obligation of professional secrecy, except where the legal professional is taking part in the violation of Union restrictive measures, the legal advice is provided for the purposes of violating Union restrictive measures, *or the legal professional knows that the client is seeking legal advice for the purposes of violating Union restrictive measures. Knowledge can be inferred from objective factual circumstances.*

legal, financial and trade services.
Experience shows that there is a clear risk of the services of those legal professionals being misused for the purpose of violating Union restrictive measures. There should, however, be exemptions from any obligation to report information which is obtained in strict connection with judicial, administrative or arbitral proceedings, whether before, during or after judicial proceedings, or in the course of ascertaining the legal position of a client. Therefore, legal advice in those circumstances should remain subject to the obligation of professional secrecy, except where the legal professional is taking part in the violation of Union restrictive measures *or* the legal advice is provided for the purposes of violating Union restrictive measures.

Or. en

Amendment 60
Clare Daly

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) *The effective application of Union restrictive measures furthermore calls for a common criminal law definition of conduct breaching conditions under authorisations granted by competent authorities to conduct certain activities, which in the absence of such an authorization are prohibited or restricted under a Union restrictive measure.*

Amendment

deleted

Or. en

Amendment 61
Saskia Bricmont

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) The effective application of Union restrictive measures furthermore calls for a common criminal law definition of **conduct** breaching conditions under authorisations granted by competent authorities to conduct certain activities, which in the absence of such an authorization are prohibited or restricted under a Union restrictive measure.

Amendment

(8) The effective application of Union restrictive measures furthermore calls for a common criminal law definition of **intentionally** breaching conditions under authorisations granted by competent authorities to conduct certain activities, which in the absence of such an authorization are prohibited or restricted under a Union restrictive measure.

Or. en

Amendment 62
Clare Daly

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) In light of the substantial compliance burden placed on all actors, but in particular humanitarian actors, by the imposition of Union restrictive measures, and the invidious effects this has on the provision of humanitarian assistance to those in need, it is necessary to take steps to ensure that exemptions are broadly defined. In addition, it is necessary that Member States make publicly available easily accessible and detailed guidelines on compliance with EU sanctions, to include, detailed information on, inter alia, matters of compliance, enforcement standards, and licence-issuing. Member States should also facilitate dialogue between the relevant authorities and persons aligning with restrictive measures.

Amendment 63

Clare Daly

Proposal for a directive

Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) It is necessary also to ensure that legal persons undertaking compliance processes in the framework of Union restrictive measures, do not refuse services to or to transact with, persons on the grounds of their race, nationality, or any other protected characteristic, amounting to discrimination. For the avoidance of doubt, and to reduce risk to businesses and service providers, it is necessary to make clear that the provision of goods and services to non-designated persons from states whose nationals are subject to restrictive measures in large numbers, or which are the subject of sectoral or economic embargoes, should not be subject to criminal penalty under this Directive.

Or. en

Amendment 64

Thijs Reuten

Proposal for a directive

Recital 9

Text proposed by the Commission

Amendment

(9) It is appropriate to exclude from the criminalisation activities which concern the provision of goods and services of daily use for the personal use of designated natural persons, such as food and healthcare products and services, or of petty cash, where it is clearly limited to

(9) It is appropriate to exclude from the criminalisation activities which concern the provision of goods and services of daily use for the personal use of designated natural persons, such as food and healthcare products and services, or of petty cash, where it is clearly limited to

fulfilling the basic human needs of such persons and their dependent family members. The failure to report such activities should also be excluded from criminalisation. In addition, it is appropriate to exclude from criminalisation the delivery of humanitarian *aid to persons in need*. Such humanitarian aid must be provided strictly in accordance with international humanitarian law and can notably consist of food and nutrition, shelter, health care, water and sanitation. Furthermore, in implementing this Directive, Member States should take into account that International Humanitarian Law, the law of armed conflict, requires that restrictive measures should not prevent the delivery of humanitarian *aid* in line with principles of impartiality, humanity, neutrality and independence.

fulfilling the basic human needs of such persons and their dependent family members. The failure to report such activities should also be excluded from criminalisation. *It is also appropriate to exclude from the criminalisation activities which concern humanitarian disaster relief, such as after natural or man-made disaster, and the search for and provision of aid to people who are in distress or imminent danger, for example in proximity to the EU's external borders and on sea. The failure to report such activities should also be excluded from criminalisation.* In addition, it is appropriate to exclude from criminalisation the delivery of humanitarian *assistance or activities that support basic human needs*. Such humanitarian aid *or activities* must be provided strictly in accordance with international humanitarian law and can notably *but not exclusively* consist of food and nutrition, shelter, health care, water and sanitation. Furthermore, in implementing this Directive, Member States should take into account that International Humanitarian Law, the law of armed conflict, requires that restrictive measures should not prevent the delivery of humanitarian *assistance* in line with principles of impartiality, humanity, neutrality and independence.

Or. en

Amendment 65
Tomáš Zdechovský

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) It is appropriate to exclude from the criminalisation activities which concern the provision of goods and services of daily use for the personal use of designated natural persons, such as food and

Amendment

(9) It is appropriate to exclude from the criminalisation activities which concern the provision of goods and services of daily use for the personal use of designated natural persons, such as food and

healthcare products and services, or of petty cash, where it is clearly limited to fulfilling the basic human needs of such persons and their dependent family members. The failure to report such activities should also be excluded from criminalisation. In addition, it is appropriate to exclude from criminalisation the delivery of humanitarian aid to persons in need. Such humanitarian aid must be provided strictly in accordance with international humanitarian law and can notably consist of food and nutrition, shelter, health care, water and sanitation. Furthermore, in implementing this Directive, Member States should take into account that International Humanitarian Law, the law of armed conflict, requires that restrictive measures should not prevent the delivery of humanitarian aid in line with principles of impartiality, humanity, neutrality and independence.

healthcare products and services, or of petty cash, where it is clearly limited to fulfilling the basic human needs of such persons and their dependent family members. The failure to report such activities should also be excluded from criminalisation. In addition, it is appropriate to exclude from criminalisation the delivery of humanitarian aid to persons in need. Such humanitarian aid must be provided strictly in accordance with international humanitarian law and can notably consist of food and nutrition, shelter, health care, water and sanitation. Furthermore, in implementing this Directive, Member States should take into account that International Humanitarian Law, the law of armed conflict, requires that restrictive measures should not prevent the delivery of humanitarian aid in line with principles of impartiality, humanity, neutrality and independence. ***Such exclusion is not absolute and should only cover activities directly connected to the provision of humanitarian aid. Any other actions of an organization providing humanitarian aid are not covered by this exception.***

Or. en

Amendment 66 **Saskia Bricmont**

Proposal for a directive **Recital 9**

Text proposed by the Commission

(9) It is appropriate to exclude from the criminalisation activities which concern the provision of goods and services of daily use for the personal use of designated natural persons, such as food and healthcare products and services, or of petty cash, where it is clearly limited to fulfilling the basic human needs of such persons and their dependent family

Amendment

(9) It is appropriate to exclude from the criminalisation activities which concern the provision of goods and services of daily use for the personal use of designated natural persons, such as food and healthcare products and services, or of petty cash, where it is clearly limited to fulfilling the basic human needs of such persons and their dependent family

members. The failure to report such activities should also be excluded from criminalisation. In addition, it is appropriate to exclude from criminalisation the delivery of humanitarian *aid* to persons in need. Such humanitarian aid must be provided strictly in accordance with international humanitarian law *and can notably consist of food and nutrition, shelter, health care, water and sanitation*. Furthermore, in implementing this Directive, Member States should take into account that International Humanitarian Law, the law of armed conflict, requires that restrictive measures should not prevent the delivery of humanitarian *aid* in line with principles of impartiality, humanity, neutrality and independence.

members. The failure to report such activities should also be excluded from criminalisation. In addition, *and in line with international humanitarian law*, it is appropriate to exclude from criminalisation the delivery of humanitarian *assistance or activities that support basic human needs* to persons in need *by providers of humanitarian services and their employees, grantees, subsidiaries, or implementing partners*. Such humanitarian aid must be provided strictly in accordance with international humanitarian law. Furthermore, in implementing this Directive, Member States should take into account that International Humanitarian Law, the law of armed conflict, requires that restrictive measures should not prevent the delivery of humanitarian *activities* in line with principles of impartiality, humanity, neutrality and independence.

Or. en

Amendment 67

Clare Daly

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) It is appropriate to exclude from *the* criminalisation activities which concern the provision of goods and services of daily use for the personal use of designated natural persons, such as food and healthcare products and services, or of petty cash, where it is *clearly* limited to fulfilling the *basic* human needs of such persons and their dependent family members. The failure to report such activities should also be excluded from criminalisation. In addition, it is appropriate to exclude from criminalisation the delivery of humanitarian *aid to persons in need*. Such humanitarian aid must be provided *strictly* in accordance with

Amendment

(9) It is appropriate to exclude from criminalisation activities which concern the provision of goods and services of daily use for the personal use of designated natural persons, such as food and healthcare products and services, or of petty cash, where it is limited to fulfilling the human needs of such persons and their dependent family members. The failure to report such activities should also be excluded from criminalisation. In addition, *and in line with international humanitarian law*, it is appropriate to exclude from criminalisation the delivery of humanitarian *assistance or activities that support basic human needs*. Such

international humanitarian law **and can notably consist of food and nutrition, shelter, health care, water and sanitation.** Furthermore, in implementing this Directive, Member States should take into account that International Humanitarian Law, the law of armed conflict, requires that restrictive measures should not prevent the **delivery** of humanitarian **aid** in line with principles of impartiality, humanity, neutrality and independence.

assistance or activities must be provided in accordance with international humanitarian law. Furthermore, in implementing this Directive, Member States should take into account that International Humanitarian Law, the law of armed conflict, requires that restrictive measures should not prevent the **performance** of humanitarian **activities** in line with principles of impartiality, humanity, neutrality and independence.

Or. en

Amendment 68
Saskia Bricmont

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) It is also appropriate to exclude from criminalisation support provided to independent civil society organizations working for the promotion of human rights, democracy, and the rule of law. Practice shows that due to de-risking of the financial sector, civil society organisations have disproportionately suffered from the restrictive measures.

Or. en

Amendment 69
Saskia Bricmont

Proposal for a directive
Recital 9 b (new)

Text proposed by the Commission

Amendment

(9b) Member States should ensure that compliance with this Directive measures does not result in unduly denying legitimate customers access to financial

services, in particular with regard to specific categories of individual customers, such as refugees and asylum seekers, as well as human rights defenders and non-governmental organisations and their representatives and associates. To that end, credit and financial institutions should ensure that their internal policies, controls and procedures are commensurate to the identified risks of violations or circumvention of Union restrictive measures and do not unduly undermine financial inclusion. Access to basic financial products and services allows refugees and people seeking temporary or international protection to participate in the economic and social life of the Union, in line with the right to protection enshrined in Article 18 of the Charter of Fundamental Rights. This Directive provides sufficient flexibility to Member States in defining the measures that financial institutions should undertake to perform the identification and verification of prospective clients who are refugees or seek protection, as well as human rights defenders, non-governmental organisations and their representatives and associates, and to adopt, in line with a risk-based approach, proportionate and effective measures to manage and mitigate risks linked to these clients.

Or. en

Amendment 70
Saskia Bricmont

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Penalties for the offences should be effective, dissuasive and proportionate. To this end, minimum levels for the maximum term of imprisonment should be set for

Amendment

(10) Penalties for the offences should be effective, dissuasive and proportionate. To this end, minimum levels for the maximum term of imprisonment should be set for

natural persons. Additional penalties or measures should also be available in criminal proceedings. They should include fines, taking into account that the violation of Union restrictive measures is mostly motivated by economic considerations.

natural persons. Additional penalties or measures should also be available in criminal proceedings. They should include fines, taking into account that the violation of Union restrictive measures is mostly motivated by economic considerations.

Fines should proportionate to the gravity of the offence as well as to the financial benefits accrued by committing the offence. Additional penalties should also include withdrawal of permits and authorisations to pursue activities which have resulted in committing the offence, disqualification from exercising a leading position within a legal person of the type used for committing the offence, temporary bans on running for elected or public office, national or Union-wide publication of the judicial decision relating to the conviction or any sanctions or measures applied.

Or. en

Amendment 71 **Leopoldo López Gil**

Proposal for a directive **Recital 10**

Text proposed by the Commission

(10) Penalties for the offences should be effective, dissuasive and proportionate. To this end, minimum levels for the maximum term of imprisonment should be set for natural persons. Additional penalties or measures should also be available in criminal proceedings. They should include fines, taking into account that the violation of Union restrictive measures is mostly motivated by economic considerations.

Amendment

(10) Penalties for the offences should be effective, dissuasive and proportionate. To this end, minimum levels for the maximum term of imprisonment should be set for natural persons. Additional penalties or measures should also be available in criminal proceedings. They should include fines, taking into account that the violation of Union restrictive measures is mostly motivated by economic considerations.
Other accompanying measures could include the disqualification of those who violate or circumvent Union restrictive measures from practising the profession concerned.

Amendment 72

Clare Daly

Proposal for a directive**Recital 10***Text proposed by the Commission*

(10) Penalties for the offences should be effective, dissuasive and proportionate. To this end, minimum levels for the maximum term of imprisonment should be set for natural persons. ***Additional penalties or measures*** should also be available in criminal proceedings. ***They should include fines, taking into account that the violation of Union restrictive measures is mostly motivated by economic considerations.***

Amendment

(10) Penalties for the offences should be effective, dissuasive and proportionate. To this end, minimum levels for the maximum term of imprisonment should be set for natural persons. ***Fines*** should also be available in criminal proceedings.

Or. en

Amendment 73

Leopoldo López Gil

Proposal for a directive**Recital 12***Text proposed by the Commission*

(12) A further approximation and effectiveness of level of penalties imposed in practice should be fostered through common aggravating circumstances that reflect the severity of the crime committed. The notion of aggravating circumstances should be understood either as ***facts*** allowing the national judge or court to pronounce a higher sentence for the same offence than the one incurred without these facts, or as the possibility of retaining several offences cumulatively in order to increase the level of the penalty. Member States should provide for the possibility of

Amendment

(12) A further approximation and effectiveness of level of penalties imposed in practice should be fostered through common aggravating circumstances that ***increase the criminal responsibility of the individual and*** reflect the severity of the crime committed. The notion of aggravating circumstances should be understood either as ***conditions surrounding the commission of an offence and*** allowing the national judge or court to pronounce a higher sentence for the same offence than the one incurred without these facts, or as the possibility of

at least one of these aggravating circumstances in accordance with applicable rules established by their legal system on aggravating circumstances. In any case, it should remain within the discretion of the judge or the court to determine whether to increase the sentence, taking into account all the circumstances of the individual case.

retaining several offences cumulatively in order to increase the level of the penalty. Member States should provide for the possibility of at least one of these aggravating circumstances in accordance with applicable rules established by their legal system on aggravating circumstances. In any case, it should remain within the discretion of the judge or the court to determine whether to increase the sentence, taking into account all the circumstances of the individual case.

Or. es

Amendment 74
Clare Daly

Proposal for a directive
Recital 15

Text proposed by the Commission

Amendment

(15) There is a need to clarify the concept of proceeds specifically in situations in which the designated person, entity or body commits or participates in: (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; or (ii) concealing the fact that a person, entity or body subject to restrictive measures is the ultimate owner or beneficiary of funds or economic resources, through the provision of false or incomplete information. In those circumstances, as a consequence of the conduct of concealing, the designated person, entity or body may continue to access and make full use or dispose of the funds or economic resources subject to Union restrictive measures which have been concealed. Such funds or economic resources should therefore be considered as proceeds of crime for the purposes of

deleted

Directive (EU) [.../.../...] [Directive on asset recovery and confiscation], it being understood that the proportionality of confiscation of such proceeds will have to be observed in each individual case.

Or. en

Amendment 75
Leopoldo López Gil

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) Given, in particular, the global activities of the perpetrators of illegal conduct covered by this Directive, together with the *cross-border* nature of the offences and the possibility of cross-border investigations, Member States should establish jurisdiction in order to counter such conduct effectively.

Amendment

(16) Given, in particular, the global *and organised* activities of the perpetrators of illegal conduct covered by this Directive, together with the *transnational* nature of the offences and the possibility of cross-border investigations, Member States should establish jurisdiction in order to counter such conduct *quickly, consistently and* effectively.

Or. es

Amendment 76
Leopoldo López Gil

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Member States should lay down rules concerning limitation periods necessary to enable them to *counter* offences related to the violation of Union restrictive measures effectively, without prejudice to national rules that do not set limitation periods for investigation, prosecution and enforcement.

Amendment

(17) Member States should lay down rules concerning limitation periods necessary to enable them to *combat* offences related to the violation of Union restrictive measures effectively, without prejudice to national rules that do not set limitation periods for investigation, prosecution and enforcement.

Or. es

Amendment 77
Saskia Bricmont

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) To ensure an effective, integrated and coherent enforcement system, Member States should organise internal cooperation and communication between all actors along the administrative and criminal enforcement chains.

Amendment

(18) To ensure an effective, integrated and coherent enforcement system, Member States should organise internal cooperation and communication between all actors along the administrative and criminal enforcement chains, ***in full compliance with Member States' national rules on criminal proceedings, as well as with the Charter of Fundamental Rights of the European Union and with the Member State's obligations under Article 6 TEU.***

Or. en

Amendment 78
Leopoldo López Gil

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) To ensure an effective, integrated and coherent enforcement system, Member States should organise internal cooperation and communication between all actors along the administrative and criminal enforcement chains.

Amendment

(18) To ensure an effective, ***transparent,*** integrated and coherent enforcement system, Member States should organise internal cooperation and communication between all actors along the administrative and criminal enforcement chains.

Or. es

Amendment 79
Saskia Bricmont

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). ***The Commission should establish a permanent network of experts and practitioners to share best practices and provide technical and operational support in order to facilitate the coordination of investigations and prosecutions by Member States competent authorities, Europol and Eurojust, the European Public Prosecutor's Office, and the European Anti-Fraud Office.***

Or. en

Amendment 80
Tomáš Zdechovský

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). These competent authorities should also share information among each other and with the Commission on practical issues. ***This cooperation should be within their respective competencies, with due regard to subsidiarity and respect that member states have primary responsibility for the implementation of Union restrictive measures.***

Amendment 81
Leopoldo López Gil

Proposal for a directive
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) In order to optimise criminal prosecution and the effective application of sanctions for any violation or circumvention of Union restrictive measures, it is necessary to extend the European Public Prosecutor's Office's current competences, including the criminal offences covered by this Directive. Furthermore, all EU Member States should participate in this institution to make it more efficient.

Or. es

Amendment 82
Leopoldo López Gil

Proposal for a directive
Recital 20

Text proposed by the Commission

Amendment

(20) Whistleblowers can provide valuable information to competent authorities concerning past, ongoing or planned violations of Union restrictive measures, including attempts to circumvent them. This information can relate, for example, to facts concerning violations of Union restrictive measures, their circumstances **and** the individuals, companies and third countries involved. Therefore, it should be ensured that adequate arrangements are in place to enable such whistleblowers to alert the competent authorities and to protect them

(20) Whistleblowers can provide valuable information to competent authorities concerning past, ongoing or planned violations of Union restrictive measures, including attempts to circumvent them. This information can relate, for example, to facts concerning violations of Union restrictive measures, their circumstances, the individuals, companies and third countries involved. Therefore, it should be ensured that adequate arrangements are in place to enable such whistleblowers to alert the competent authorities and to protect them from

from retaliation. For that purpose, it should be provided that Directive (EU) 2019/1937 of the European Parliament and of the Council⁴⁹ is applicable to the reporting of violations of Union restrictive measures and to the protection of persons reporting such violations.

⁴⁹ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, OJ L 305, 26.11.2019, p. 17–56.

retaliation. For that purpose, it should be provided that Directive (EU) 2019/1937 of the European Parliament and of the Council⁴⁹ is applicable to the reporting of violations of Union restrictive measures and to the protection of persons reporting such violations. ***Furthermore, the provisions of the previous Directive on false reports will be taken into account.***

⁴⁹ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).

Or. es

Amendment 83 **Thijs Reuten**

Proposal for a directive **Recital 20**

Text proposed by the Commission

(20) Whistleblowers can ***provide*** valuable information to competent authorities concerning past, ongoing or planned violations of Union restrictive measures, including attempts to circumvent them. This information can relate, for example, to facts concerning violations of Union restrictive measures, their circumstances and the individuals, companies and third countries involved. Therefore, it should be ensured that adequate arrangements are in place to enable such whistleblowers to alert the competent authorities and to protect them from retaliation. For that purpose, it should be provided that Directive (EU) 2019/1937 of the European Parliament and of the Council⁴⁹ is applicable to the reporting of violations of Union restrictive measures and to the protection of persons reporting such violations.

Amendment

(20) Whistleblowers can ***be crucial in providing*** valuable information to competent authorities concerning past, ongoing or planned violations of Union restrictive measures, including attempts to circumvent them. This information can relate, for example, to ***vital*** facts concerning violations of Union restrictive measures, their circumstances and the individuals, companies and third countries involved. Therefore, it should be ensured that adequate arrangements are in place to enable such whistleblowers to alert the competent authorities and to protect them from retaliation. For that purpose, it should be provided that Directive (EU) 2019/1937 of the European Parliament and of the Council⁴⁹ is applicable to the reporting of violations of Union restrictive measures and to the protection of persons reporting such violations.

⁴⁹ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, OJ L 305, 26.11.2019, p. 17–56.

⁴⁹ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, OJ L 305, 26.11.2019, p. 17–56.

Or. en

Amendment 84
Clare Daly

Proposal for a directive
Recital 21

Text proposed by the Commission

Amendment

(21) *To ensure the effective investigation and prosecution of violations of Union restrictive measures, those responsible for investigating or prosecuting these measures should have the possibility of using investigative tools such as those which are used in combating organised crime or other serious crimes. The use of such tools, in accordance with national law, should be targeted and take into account the principle of proportionality and the nature and seriousness of the offences under investigation as well as respecting the right to the protection of personal data.*

deleted

Or. en

Amendment 85
Saskia Bricmont

Proposal for a directive
Recital 21

Text proposed by the Commission

Amendment

(21) To ensure the effective investigation and prosecution of violations of Union restrictive measures, those

(21) To ensure the effective investigation and prosecution of violations of Union restrictive measures, those

responsible for investigating or prosecuting these measures should have the possibility of using investigative tools such as those which are used in combating organised crime or other serious crimes. The use of such tools, in accordance with national law, should be targeted and ***take into account the principle of*** proportionality and the nature and seriousness of the offences under investigation as well as respecting the right to the protection of personal data.

responsible for investigating or prosecuting these measures should have the possibility of using investigative tools such as those which are used in combating organised crime or other serious crimes. The use of such tools, in accordance with national law, should be targeted and ***comply with the principles of necessity and*** proportionality, and the nature and seriousness of the offences under investigation as well as respecting the right to the protection of personal data.

Or. en

Amendment 86
Clare Daly

Proposal for a directive
Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) The EU list of restrictive measuses is subject to regular change as individuals, entities and bodies are listed and delisted. At present, there is no single, unified and easily accessible information technology tool provided by either the Commission or the Council to facilitate the compliance of legal and natural persons with Union restrictive measures. The absence of such an instrument imposes substantial compliance costs on legal and natural persons. In the context of this Directive, and specifically the application of criminal rather than civil penalties for the violation of restrictive measures, there is an onus on the Commission to facilitate legal certainty for natural and legal persons. The Commission should therefore establish and maintain an information technology tool, consisting of a searchable database, to allow natural and legal persons to easily check the list of designated persons, bodies and entities, as well as the types and forms of transaction with those

persons, bodies and entities, that are prohibited by Union restrictive measures. The database should also contain information about legal persons linked to designated persons, bodies and entities, and with whom transactions are prohibited.

Or. en

Amendment 87
Clare Daly

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 *certain* 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 *ostensive* 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 88

Thijs Reuten

Proposal for a directive

Recital 24

Text proposed by the Commission

(24) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including the rights to liberty and security, the protection of personal data, the freedom to conduct a business, the right to property, the right to an effective remedy and to a fair trial, the presumption of innocence and the right of defence including the right not to incriminate oneself and to remain silent, the principles of legality, including the principle of non-retroactivity of criminal penalties and proportionality of criminal offences and penalties, as well as the principle of ne bis in idem. This Directive seeks to ensure full respect for those rights and principles and should be implemented accordingly.

Amendment

(24) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including the rights to liberty and security, the protection of personal data *as further specified by Regulation (EU) 2016/679, Regulation (EU) 2918/1725 and Directive (EU) 2016/680*, the freedom to conduct a business, the right to property, the right to an effective remedy and to a fair trial, the presumption of innocence and the right of defence including the right not to incriminate oneself and to remain silent, the principles of legality, including the principle of non-retroactivity of criminal penalties and proportionality of criminal offences and penalties, as well as the principle of ne bis in idem. This Directive seeks to ensure full respect for those rights and principles and should be implemented accordingly.

Or. en

Amendment 89

Clare Daly

Proposal for a directive

Recital 26

Text proposed by the Commission

(26) In view of the urgent need to hold individuals and legal persons involved in the violation of Union restrictive measures accountable, Member States should bring into force the laws, regulations and administrative provisions necessary to

Amendment

(26) In view of the urgent need to hold individuals and legal persons involved in the violation of Union restrictive measures accountable, Member States should bring into force the laws, regulations and administrative provisions necessary to

comply with this Directive within **six months** after the entry into force of this Directive.

comply with this Directive within **one year** after the entry into force of this Directive.

Or. en

Amendment 90
Clare Daly

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

This Directive establishes minimum rules concerning the definition of criminal offences and penalties with regard to the violation of Union restrictive measures.

Amendment

This Directive establishes minimum rules concerning the definition of criminal offences and penalties with regard to the violation of **certain** Union restrictive measures.

Or. en

Amendment 91
Leopoldo López Gil

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

This Directive establishes minimum rules concerning the definition of criminal offences and penalties with regard to the violation of Union restrictive measures.

Amendment

This Directive establishes **common** minimum rules concerning the definition of criminal offences and penalties with regard to the violation of Union restrictive measures.

Or. es

Amendment 92
Leopoldo López Gil

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

Text proposed by the Commission

Amendment

(-a) Individual measures

Or. es

Amendment 93

Clare Daly

Proposal for a directive

Article 2 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) measures concerning the freezing of funds and economic resources; **deleted**

Or. en

Justification

We do not have any evidence that a lack of criminalisation of sanctions violation in the Member States is the reason for low levels of detection, prosecution and conviction for the offence. Indeed, the Genocide Network report on which the Commission relies to justify much of this proposal simply says that a lack of enforcement is a problem in regard to sanctions evasion. A significant broadening of the scope of the definition of criminal behaviour across the EU would therefore be at odds with the ultima ratio principle, which requires the legislature to only invoke the criminal law if alternative measures have proven to be insufficient to achieve the objectives aimed at. For this reason, we propose to narrow the scope of the proposal to only the most ‘serious’ and systemic sanctions measures. Many of those Member States which currently maintain a combined regime of administrative and criminal penalties for sanctions violations apply a distinction between more and less serious violations, with only more serious violations criminalised. Notably, a narrowing of the scope of this Directive does not preclude Member States from introducing criminal penalties for the violations listed in Article 2 (a) to (c) if they see a need for it.

Amendment 94

Clare Daly

Proposal for a directive

Article 2 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) prohibitions on making funds and economic resources available; **deleted**

Amendment 95

Clare Daly

Proposal for a directive

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) prohibitions on entry into, or transit through, the territory of a Member State

deleted

Or. en

Amendment 96

Leopoldo López Gil

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ca) Sectorial measures

Or. es

Amendment 97

Clare Daly

Proposal for a directive

Article 2 – paragraph 2 – point b

Text proposed by the Commission

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*;

(b) ‘designated person, entity or body’, means those natural or legal persons, entities or bodies subject to Union restrictive measures;

Amendment 98
Leopoldo López Gil

Proposal for a directive
Article 2 – paragraph 2 – point c – point viii

Text proposed by the Commission

(viii) crypto assets;

Amendment

(viii) crypto assets, *such as cryptocurrencies or tokens (fungible or non-fungible)*;

Or. es

Amendment 99
Clare Daly

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

Text proposed by the Commission

(e) ‘freezing of funds’ means preventing any move, transfer, alteration, use of, access to, or dealing with funds 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;

Amendment

deleted

Or. en

Amendment 100
Saskia Bricmont

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

Text proposed by the Commission

(e) ‘freezing of funds’ means

Amendment

(e) ‘freezing of funds’ means

preventing any move, transfer, alteration, use of, access to, or dealing with funds 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;

preventing any move, transfer, alteration, use of, access to, or dealing with funds 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, **but not limited to**, portfolio management;

Or. en

Amendment 101
Clare Daly

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

Text proposed by the Commission

Amendment

(f) ‘freezing of economic resources’ means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them.

deleted

Or. en

Amendment 102
Saskia Bricmont

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

Text proposed by the Commission

Amendment

(fa) ‘public official’ means:
(i) a Union official or a national official of a Member State or of a third country;
(ii) any other person assigned and exercising a public service function in Member States or third countries, for an international organisation or for an international court.

Amendment 103
Saskia Bricmont

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

Text proposed by the Commission

Amendment

(fb) 'Union official' means a person who is:

(i) a member of an institution, body, office or agency of the Union and the staff of such bodies shall be assimilated to Union official;

(ii) 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 (the 'Staff Regulations');

(iii) 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.

Amendment 104
Leopoldo López Gil

Proposal for a directive
Article 3 – title

Text proposed by the Commission

Amendment

Violation of Union restrictive measures

Violation **and circumvention** of Union restrictive measures

Amendment 105

Clare Daly

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

(1) Member States shall take the necessary measures to ensure that the violation of a Union restrictive measure constitutes a criminal offence when committed intentionally and provided it falls in one of the categories defined in paragraph 2.

Amendment

(1) Member States shall take the necessary measures to ensure that the violation of a Union restrictive measure constitutes a criminal offence ***in the following circumstances*** when committed intentionally and provided it falls in one of the categories defined in paragraph 2:

(a) the offence was committed in the framework of a criminal organisation within the meaning of Council Framework Decision 2008/841/JHA56;

(b) the offence involves the use of false or forged documents;

(c) the offender is suspected of, or has been convicted of, committing multiple similar previous violations of restrictive measures amounting to systemic violations;

(d) the offence generated or was expected to generate substantial financial benefits, or avoid substantial expenses, directly or indirectly.

Or. en

Amendment 106

Tomáš Zdechovský

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

(1) Member States shall take the necessary measures to ensure that the violation of a Union restrictive measure constitutes a criminal offence when

Amendment

(1) Member States shall take the necessary measures to ensure that the violation of a Union restrictive measure ***by any natural, legal person, entity or body***

committed intentionally and provided it falls in one of the categories defined in paragraph 2.

constitutes a criminal offence when committed intentionally and provided it falls in one of the categories defined in paragraph 2.

Or. en

Amendment 107
Leopoldo López Gil

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

(1) Member States shall take the necessary measures to ensure that the violation of a Union restrictive measure constitutes a criminal offence when committed intentionally and provided it falls in one of the categories defined in paragraph 2.

Amendment

(1) Member States shall take the necessary measures to ensure that the violation of a Union restrictive measure constitutes a criminal offence when committed intentionally ***or in a premeditated or malicious manner*** and provided it falls in one of the categories defined in paragraph 2.

Or. es

Amendment 108
Leopoldo López Gil

Proposal for a directive
Article 3 – paragraph 2 – point -a (new)

Text proposed by the Commission

Amendment

(-a) At the individual level

Or. es

Amendment 109
Clare Daly

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

Text proposed by the Commission

Amendment

(a) making funds or economic resources available to, or for the benefit of, a designated person, entity or body in violation of a prohibition by a Union restrictive measure;

deleted

Or. en

Amendment 110

Peter Pollák

Proposal for a directive

Article 3 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) making funds or economic resources available to, or for the benefit of, a designated person, entity or body in violation of a prohibition by a Union restrictive measure;

(a) making funds or economic resources available to, or for the benefit of, a designated person, **including its family relatives**, entity or body in violation of a prohibition by a Union restrictive measure;

Or. en

Amendment 111

Leopoldo López Gil

Proposal for a directive

Article 3 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) making funds or economic resources available to, or for the benefit of, a designated person, entity or body in violation of a prohibition by a Union restrictive measure;

(a) making funds or economic resources **directly or indirectly** available to, or for the benefit of, a designated person, entity or body in violation of a prohibition by a Union restrictive measure;

Or. es

Amendment 112

Clare Daly

Proposal for a directive
Article 3 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) failing to freeze without undue delay funds or economic resources belonging to or owned, held or controlled by a designated person, entity or body in violation of an obligation to do so imposed by a Union restrictive measure;

deleted

Or. en

Amendment 113
Peter Pollák

Proposal for a directive
Article 3 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) failing to freeze without undue delay funds or economic resources belonging to or owned, held or controlled by a designated person, entity or body in violation of an obligation to do so imposed by a Union restrictive measure;

(b) failing to freeze without undue delay funds or economic resources belonging to or owned, held or controlled by a designated person, **including its family relatives**, entity or body in violation of an obligation to do so imposed by a Union restrictive measure;

Or. en

Amendment 114
Leopoldo López Gil

Proposal for a directive
Article 3 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) failing to freeze without undue delay funds or economic resources belonging to or owned, held or controlled by a designated person, entity or body in violation of an obligation to do so imposed

(Does not affect the English version.)

by a Union restrictive measure;

Or. es

Amendment 115
Saskia Bricmont

Proposal for a directive
Article 3 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) failing to freeze ***without undue delay*** funds or economic resources belonging to or owned, held or controlled by a designated person, entity or body in violation of an obligation to do so imposed by a Union restrictive measure;

(b) failing to freeze ***within an adequate timing*** funds or economic resources belonging to or owned, held or controlled by a designated person, entity or body in violation of an obligation to do so imposed by a Union restrictive measure;

Or. en

Amendment 116
Clare Daly

Proposal for a directive
Article 3 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) ***enabling the entry of designated natural persons into the territory of a Member State or their transit through the territory of a Member State in violation of a prohibition by a Union restrictive measure;***

deleted

Or. en

Justification

Delistings can be requested by the listed parties, an EU Member State or a third country that had originally proposed the listing. In addition, any listings can also be challenged before the Court of Justice of the European Union in an ‘annulment action’ under Article 263 of the Treaty on the Functioning of the European Union. Many of the annulment actions to challenge listings to date have been successful. There is much uncertainty regarding the standard of proof the Council applies to list any individuals or entities, which means that

many more annulment actions will succeed in the future. Cases of mistaken identity are not unknown. The CJEU requires that rules of law be known, clear, precise, stable, certain and predictable - this is particularly the case when criminal penalties apply to a breach of the law. People, entities and bodies are added to and removed from the sanctions designation list all the time, and it is very easy to envisage a circumstance where a transaction with a designated person, entity, or body may be a crime one week (while the person, entity or body is listed), and not a crime the next (if they're delisted following a CJEU ruling that they should never have been listed). The consequence of this is that persons may end up serving sentences of imprisonment for transactions with persons, entities or bodies that were erroneously or unjustly listed, but the person concerned will still be deprived of their liberty following the delisting. This is disproportionate.

Amendment 117
Leopoldo López Gil

Proposal for a directive
Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) enabling the entry of designated natural persons into the territory of a Member State or their transit through the territory of a Member State in violation of a prohibition by a Union restrictive measure;

Amendment

(c) enabling the entry of designated natural persons into the territory of a Member State - ***including maritime, air and/or land territory***- or their transit through the territory of a Member State in violation of a prohibition by a Union restrictive measure, ***this paragraph covers international areas situated in the territory of a Member State, for example ports or airports, among others;***

Or. es

Amendment 118
Tomáš Zdechovský

Proposal for a directive
Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) enabling the entry of designated natural persons into the territory of a Member State or their transit through the territory of a Member State in violation of a prohibition by a Union restrictive

Amendment

(c) enabling, ***facilitating or assisting*** the entry of designated natural persons into the territory of a Member State or their transit through the territory of a Member State in violation of a prohibition by a

measure;

Union restrictive measure;

Or. en

Amendment 119

Saskia Bricmont

Proposal for a directive

Article 3 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) enabling the stay in the territory of a Member State of a designated natural persons, including by granting citizenship by investments or residence by investments schemes, in violation of a prohibition by a Union restrictive measure;

Or. en

Amendment 120

Leopoldo López Gil

Proposal for a directive

Article 3 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) At the sectorial level

Or. es

Amendment 121

Saskia Bricmont

Proposal for a directive

Article 3 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) entering into transactions with a third State, bodies of a third State, entities

(d) entering into *financial or corporate* transactions *or public procurement* with a

and bodies owned or controlled by a third State or bodies of a third State, which are prohibited or restricted by Union restrictive measures;

third State, bodies of a third State, entities and bodies ***directly or indirectly*** owned or controlled by a third State or bodies of a third State, which are prohibited or restricted by Union restrictive measures;

Or. en

Amendment 122
Tomáš Zdechovský

Proposal for a directive
Article 3 – paragraph 2 – point e

Text proposed by the Commission

(e) trading in goods or services whose import, export, sale, purchase, transfer, transit or transport is prohibited or restricted by Union restrictive measures, as well as providing brokering services or other services relating to those goods and services;

Amendment

(e) trading in goods or services whose import, export, sale, purchase, transfer, transit or transport is prohibited or restricted by Union restrictive measures, ***acting as an intermediary*** as well as providing brokering services or other services relating to those goods and services;

Or. en

Amendment 123
Leopoldo López Gil

Proposal for a directive
Article 3 – paragraph 2 – point e

Text proposed by the Commission

(e) trading in goods or services whose import, export, sale, purchase, transfer, transit or transport is prohibited or restricted by Union restrictive measures, as well as providing brokering services or other services relating to those goods and services;

Amendment

(e) trading in goods, ***technology*** or services whose import, export, sale, purchase, transfer, transit or transport is prohibited or restricted by Union restrictive measures, as well as providing brokering services or other services relating to those goods and services;

Or. es

Amendment 124

Clare Daly

Proposal for a directive

Article 3 – paragraph 2 – point g

Text proposed by the Commission

(g) providing other services **which are prohibited or restricted by Union** restrictive measures, such as **legal advisory services, trust services, public relations services, accounting, auditing, bookkeeping and tax consulting services, business and management consulting, IT consulting, public relations services, broadcasting**, architectural and engineering services;

Amendment

(g) providing other services **to a person, entity or body for the purpose of violating** restrictive measures, such as trust services, accounting, auditing, bookkeeping and tax consulting services, business and management consulting, , architectural and engineering services;

Or. en

Amendment 125

Leopoldo López Gil

Proposal for a directive

Article 3 – paragraph 2 – point h – introductory part

Text proposed by the Commission

(h) circumventing a Union restrictive measure **by**:

Amendment

(h) **For the purposes of this Directive, the following shall be regarded as** circumventing a Union restrictive measure:

Or. es

Amendment 126

Clare Daly

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**

Amendment

deleted

should be frozen in accordance with a Union restrictive measure, by the transfer of those funds, or economic resources to a third party;

Or. en

Amendment 127
Leopoldo López Gil

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 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 ***or change of ownership*** of those funds or economic resources to a third party, ***enabling the addressees of the Union restrictive measures to continue making use of them;***

Or. es

Amendment 128
Saskia Bricmont

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 or economic resources ***directly or indirectly*** 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;

Or. en

Amendment 129

Patryk Jaki

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) **transferring** 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 **to a third party to conceal** those funds or economic resources;

Or. pl

Amendment 130

Clare Daly

Proposal for a directive

Article 3 – paragraph 2 – point h – point ii

Text proposed by the Commission

(ii) concealing the fact that a person, entity or body subject to restrictive measures is the ultimate owner or beneficiary of funds or economic resources, through the provision of false **or incomplete** information;

Amendment

(ii) concealing the fact that a person, entity or body subject to restrictive measures is the ultimate owner or beneficiary of funds or economic resources, through the provision of false information;

Or. en

Amendment 131

Clare Daly

Proposal for a directive

Article 3 – paragraph 2 – point h – point iv

Text proposed by the Commission

(iv) **failing to comply with an obligation under Union restrictive**

Amendment

deleted

measures to provide without undue delay information on funds or economic resources frozen or information held about funds and economic resources within the territory of the Member States, belonging to, owned, held or controlled by designated persons, entities or bodies and which have not been frozen, to the competent administrative authorities;

Or. en

Amendment 132

Clare Daly

Proposal for a directive

Article 3 – paragraph 2 – point h – point v

Text proposed by the Commission

Amendment

(v) failing to cooperate with the competent administrative authorities in any verification of information under points (iii) and (iv), upon their reasoned request; *deleted*

Or. en

Amendment 133

Clare Daly

Proposal for a directive

Article 3 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) breaching or failing to fulfil conditions under authorizations granted by competent authorities to conduct activities, which in the absence of such an authorization are prohibited or restricted under a Union restrictive measure. *deleted*

Or. en

Amendment 134

Clare Daly

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

Amendment

(3) The conduct referred to in paragraph 2, points (a) to (g) shall constitute a criminal offence also if committed with serious negligence.

deleted

Or. en

Amendment 135

Patryk Jaki

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

Amendment

(3) The conduct referred to in paragraph 2, points (a) to (g) shall constitute a criminal offence also if committed with serious negligence.

deleted

Or. pl

Amendment 136

Saskia Bricmont

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

Amendment

(3) The conduct referred to in paragraph 2, points (a) to (g) shall constitute a criminal offence also if committed with serious negligence.

(3) The conduct referred to in paragraph 2, points (a) to (g) shall constitute a criminal offence also if committed with serious negligence. *The conduct referred to in paragraph 2, points (i) shall not constitute a criminal offence if committed with negligence.*

Amendment 137
Leopoldo López Gil

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

(3) The conduct referred to in paragraph 2, points (a) to (g) shall constitute a criminal offence also if committed with serious negligence.

Amendment

(3) The conduct referred to in paragraph 2, points (a) to (g) shall constitute a criminal offence also if committed with serious **recklessness or** negligence.

Or. es

Amendment 138
Karolin Braunsberger-Reinhold, Emil Radev, Lena Düpont

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

(3) The conduct referred to in paragraph 2, points (a) to (g) shall constitute a criminal offence also if committed with **serious** negligence.

Amendment

(3) The conduct referred to in paragraph 2, points (a) to (g) shall constitute a criminal offence also if committed with **gross** negligence.

Or. en

Amendment 139
Clare Daly

Proposal for a directive
Article 3 – paragraph 5

Text proposed by the Commission

(5) Nothing in paragraph 2 shall be understood as imposing an obligation on legal professionals to report information which is obtained in strict connection with

Amendment

(5) Nothing in paragraph 2 shall be understood as imposing an obligation on legal professionals to report information which is obtained in strict connection with

judicial, administrative or arbitral proceedings, whether before, during or after judicial proceedings, or in the course of ascertaining the legal position of a client. Legal advice in those circumstances shall be protected by professional secrecy, ***except where the legal professional is taking part in the violation of Union restrictive measures, the legal advice is provided for the purposes of violating Union restrictive measures, or the legal professional knows that the client is seeking legal advice for the purposes of violating Union restrictive measures.***

judicial, administrative or arbitral proceedings, whether before, during or after judicial proceedings, or in the course of ascertaining the legal position of a client. Legal advice in those circumstances shall be protected by professional secrecy.

Or. en

Amendment 140
Leopoldo López Gil

Proposal for a directive
Article 3 – paragraph 5

Text proposed by the Commission

(5) Nothing in paragraph 2 shall be understood as imposing an obligation on legal professionals to report information which is obtained in strict connection with judicial, administrative or arbitral proceedings, whether before, during or after judicial proceedings, or in the course of ascertaining the legal position of a client. Legal advice in those circumstances shall be protected by professional secrecy, except where the legal professional is taking part in the violation of Union restrictive measures, the legal advice is provided for the purposes of violating Union restrictive measures, ***or*** the legal professional knows that the client is seeking legal advice for the purposes of violating Union restrictive measures.

Amendment

(5) Nothing in paragraph 2 shall be understood as imposing an obligation on legal professionals to report information which is obtained in strict connection with judicial, administrative or arbitral proceedings, whether before, during or after judicial proceedings, or in the course of ascertaining the legal position of a client. Legal advice in those circumstances shall be protected by professional secrecy, except where the legal professional is taking part in the violation of Union restrictive measures, the legal advice is provided for the purposes of violating Union restrictive measures, ***the legal professional has sufficient grounds to believe that the provided legal advice may be being wilfully used to circumvent Union restrictive measures or where*** the legal professional knows that the client is seeking legal advice for the purposes of violating Union restrictive measures.

Amendment 141
Saskia Bricmont

Proposal for a directive
Article 3 – paragraph 5

Text proposed by the Commission

(5) Nothing in paragraph 2 shall be understood as imposing an obligation on legal professionals to report information which is obtained ***in strict connection with*** judicial, administrative or arbitral proceedings, whether before, during or after judicial proceedings, or in the course of ascertaining the legal position of a client. Legal advice in those circumstances shall be protected by professional secrecy, except where the legal professional is taking part in the violation of Union restrictive measures, the legal advice is provided for the purposes of violating Union restrictive measures, or the legal professional knows that the client is seeking legal advice for the purposes of violating Union restrictive measures.

Amendment

(5) Nothing in paragraph 2 shall be understood as imposing an obligation on legal professionals to report information which is obtained ***when performing the task of defending or representing a client in, or concerning*** judicial, administrative or arbitral proceedings, whether before, during or after judicial proceedings, or in the course of ascertaining the legal position of a client. Legal advice in those circumstances shall be protected by professional secrecy, except where the legal professional is taking part in the violation of Union restrictive measures, the legal advice is provided for the purposes of violating Union restrictive measures, or the legal professional knows ***or has a well-grounded suspicion on the basis of factual circumstances*** that the client is seeking legal advice for the purposes of violating Union restrictive measures.

Or. en

Amendment 142
Karolin Braunsberger-Reinhold, Emil Radev, Lena Düpont

Proposal for a directive
Article 3 – paragraph 5

Text proposed by the Commission

(5) Nothing in paragraph 2 shall be understood as imposing an obligation on legal professionals to report information which is obtained in strict connection with

Amendment

(5) Nothing in paragraph 2 shall be understood as imposing an obligation on legal professionals to report information which is obtained in strict connection with

judicial, administrative or arbitral proceedings, whether before, during or after judicial proceedings, or in the course of ascertaining the legal position of a client. Legal advice in those circumstances shall be protected by professional secrecy, except where the legal professional is taking part in the violation of Union restrictive measures, the legal advice is provided for the purposes of violating Union restrictive measures, ***or the legal professional knows that the client is seeking legal advice for the purposes of violating Union restrictive measures.***

judicial, administrative or arbitral proceedings, whether before, during or after judicial proceedings, or in the course of ascertaining the legal position of a client. Legal advice in those circumstances shall be protected by professional secrecy, except where the legal professional is taking part in the violation of Union restrictive measures ***or*** the legal advice is provided for the purposes of violating Union restrictive measures.

Or. en

Amendment 143

Patryk Jaki

Proposal for a directive

Article 3 – paragraph 6

Text proposed by the Commission

Amendment

(6) Paragraphs 1, 2 and 3 shall not apply to:

deleted

— the provision of goods or services of daily use for the personal use of designated natural persons, such as food and healthcare products and services, or of petty cash, where it is clearly limited to fulfilling the basic human needs of such persons and their dependent family members,

— to the failure to report such activities;

— to humanitarian aid provided for persons in need.

Or. pl

Amendment 144

Clare Daly

Proposal for a directive

Article 3 – paragraph 6 – indent 1

Text proposed by the Commission

– the provision of goods or services of daily use for the personal use of designated natural persons, such as food and healthcare products and services, or of petty cash, where it is **clearly** limited to fulfilling the basic human needs of such persons and their dependent family members,

Amendment

– the provision of goods or services of daily use for the personal use of designated natural persons, such as food and healthcare products and services, or of petty cash, where it is limited to fulfilling the basic human needs of such persons and their dependent family members,

Or. en

Amendment 145

Tomáš Zdechovský

Proposal for a directive

Article 3 – paragraph 6 – indent 3

Text proposed by the Commission

– to humanitarian aid provided for persons in need.

Amendment

– to humanitarian aid **when** provided **in good faith and in compliance with the provisions under relevant international and Union law** for persons in need.

Or. en

Justification

Some organizations are prone to be used by smugglers to facilitate illegal migration. An absolute exception is disproportionate and would make organizations even more inclined to be used for sanction circumvention.

Amendment 146

Saskia Bricmont

Proposal for a directive

Article 3 – paragraph 6 – indent 3

Text proposed by the Commission

– to humanitarian **aid** provided for persons in need.

Amendment

– to humanitarian **assistance and activities that support basic human needs**

provided for persons in need;

Or. en

Amendment 147

Thijs Reuten

Proposal for a directive

Article 3 – paragraph 6 – indent 3

Text proposed by the Commission

– to humanitarian *aid provided for persons in need.*

Amendment

– to humanitarian *assistance or activities in support of basic human needs.*

Or. en

Amendment 148

Clare Daly

Proposal for a directive

Article 3 – paragraph 6 – indent 3

Text proposed by the Commission

– to humanitarian *aid provided for persons in need.*

Amendment

– to humanitarian *assistance or activities that support basic human needs.*

Or. en

Amendment 149

Saskia Bricmont

Proposal for a directive

Article 3 – paragraph 6 – indent 3 a (new)

Text proposed by the Commission

Amendment

- *the failure to report such activities;*

Or. en

Amendment 150
Saskia Bricmont

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

Text proposed by the Commission

Amendment

- *the provision of grants and subsidies to civil society organizations defending human rights, democracy, and the rule of law;*

Or. en

Amendment 151
Saskia Bricmont

Proposal for a directive
Article 3 – paragraph 6 – indent 3 c (new)

Text proposed by the Commission

Amendment

- *the failure to report such activities.*

Or. en

Amendment 152
Clare Daly

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

Text proposed by the Commission

Amendment

- (6a) *The prohibitions set out in this directive shall not give rise to any liability of any kind on the part of the natural or legal person, entity or body concerned if they did not know, and had no reasonable cause to suspect, that their actions would infringe the prohibition in question.*

Or. en

Amendment 153

Clare Daly

Proposal for a directive

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Exemptions

1. Member States shall take the necessary measures to ensure that legal and natural persons are exempt from penalties when engaging with the following actors :

(a) non-designated nationals of countries subject to restrictive measures who are resident in the EU;

(b) non-designated nationals of countries subject to restrictive measures who are liable for refugee status under international humanitarian law;

(c) organisations and natural persons who provide humanitarian assistance as well as participants involved in the delivery of humanitarian goods and services, such as manufacturuers, exporters, financial service providers and transportation companies;

(d) delisted designated persons.

2. For the purposes of this Directive, Member States shall ensure that legal and natural persons are not subject to any penalty when providing or funding the following goods and services:

(a) provision of goods or services of daily use such as food, healthcare, drinking water, education;

(b) materials used for construction and reconstruction for the benefit of local communities;

(c) humanitarian goods and services, including external services, equipment or techology intended to faciliate humanitarian aid.

Amendment 154
Clare Daly

Proposal for a directive
Article 3 b (new)

Text proposed by the Commission

Amendment

Article 3b

Non-discrimination

The implementation of measures to identify designated persons, entities and bodies, and actions taken to avert the risk of violation of restrictive measures, undertaken as part of compliance processes, shall under no circumstances result in discrimination of non-designated persons and entities based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation or nationality.

Or. en

Amendment 155
Clare Daly

Proposal for a directive
Article 3 c (new)

Text proposed by the Commission

Amendment

Article 3c

Managing Exemptions

In order to comply with the requirements of Article 4, Member States shall ensure:
(a) the relevant authorities have sufficient funding to make publicly available easily accessible and detailed guidelines on

compliance with EU sanctions, to include, detailed information on, inter alia, matters of compliance, enforcement standards, and licence-issuing;

(b) sanctions licensing and derogation frameworks are adaptable, easily accessible and provided in a timely manner;

(c) penalties are strictly proportionate, adaptable and take into account the relative resources of individuals, companies and other entities, particularly humanitarian organisations.

Or. en

Amendment 156

Clare Daly

Proposal for a directive

Article 3 d (new)

Text proposed by the Commission

Amendment

Article 3d

Due Diligence Requirements

In undertaking measures to comply with restrictive measures, natural and legal persons shall take appropriate measures, proportionate to nature and size of the undertaking, to identify designated entities and ensure their actions fall strictly within the remit of the sanctions order. They shall apply the following measures:

(a) identify and verify the identity of designated persons;

(b) assess, and where viable, obtain information on the nature of the intended purposes of the funds, goods and services of the designated persons;

(c) conduct a risk analysis to ensure that the exemptions in Article 3a have been correctly applied, and the obligations in

Article 3b have been fulfilled.

Or. en

Amendment 157

Clare Daly

Proposal for a directive

Article 4

Text proposed by the Commission

Amendment

Article 4

deleted

Inciting, aiding and abetting, and attempt

(1) Member States shall take the necessary measures to ensure that inciting, aiding and abetting the offences referred to in Article 3 is punishable as a criminal offence.

(2) Member States shall take the necessary measures to ensure that the attempt to commit any of the offences referred to in Article 3 (2), points (a) to (g), (h (i), (ii) and point (i), is punishable as a criminal offence.

Or. en

Amendment 158

Leopoldo López Gil

Proposal for a directive

Article 4 – title

Text proposed by the Commission

Amendment

Inciting, aiding and abetting, and attempt

Inciting, ***cooperating***, aiding and abetting, and attempt

Or. es

Amendment 159

Leopoldo López Gil

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

(1) Member States shall take the necessary measures to ensure that inciting, aiding and abetting the offences referred to in Article 3 is punishable as a criminal offence.

Amendment

(1) Member States shall take the necessary measures to ensure that inciting, ***instrumentally cooperating in and*** aiding and abetting the offences referred to in Article 3 is punishable as a criminal offence.

Or. es

Amendment 160
Clare Daly

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

(2) Member States ***shall*** take the necessary measures to ensure that the criminal offences referred to in Article 3 are punishable by a maximum penalty which provides for imprisonment.

Amendment

(2) Member States ***may*** take the necessary measures to ensure that the criminal offences referred to in Article 3 are punishable by a maximum penalty which provides for imprisonment, ***and shall provide for imprisonment only when aggravating circumstances are present.***

Or. en

Amendment 161
Thijs Reuten

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

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 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.

least one year of imprisonment when they involve funds or economic resources of a value of at least EUR **50 000**. Member States shall ensure that the threshold of EUR **50 000** 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.

Or. en

Amendment 162

Patryk Jaki

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 **50 000**. Member States shall ensure that the threshold of EUR **50 000** 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.

Or. pl

Amendment 163

Clare Daly

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

Amendment

(3) Member States **may** 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.

3(2), **point** (h)(iii), **is** punishable by a maximum penalty of one year of imprisonment when they involve funds or economic resources of a value of at least EUR **500,000**. Member States shall ensure that the threshold of EUR **500,000** or more may also be met through a series of linked offences referred to in Article 3(2), **point** (h)(iii), when committed by the same offender.

Or. en

Amendment 164

Karolin Braunsberger-Reinhold, Emil Radev, Lena Düpont

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 **1 000 000**. Member States shall ensure that the threshold of EUR **1 000 000** 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.

Or. en

Amendment 165

Leopoldo López Gil

Proposal for a directive

Article 5 – paragraph 3

Text proposed by the Commission

(3) Member States shall take the

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 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.

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 **three 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 (h)(iii), (iv) and (v), when committed by the same offender.

Or. es

Amendment 166
Patryk Jaki

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 **50 000**. Member States shall ensure that the threshold of EUR **50 000** 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.

Or. pl

Amendment 167
Thijs Reuten

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 **50 000**. Member States shall ensure that the threshold of EUR **50 000** 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.

Or. en

Amendment 168
Clare Daly

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 **may** 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 five years of imprisonment when they involve funds or economic resources of a value of at least EUR **500,000**. Member States shall ensure that the threshold of EUR **500,000** 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.

Or. en

Amendment 169

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 **1 000 000**. Member States shall ensure that the threshold of EUR **1 000 000** 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.

Or. en

Amendment 170
Saskia Bricmont

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 fines, ***withdrawal of permits and authorisations to pursue activities which have resulted in committing the offence, disqualification from exercising a leading position within a legal person of the type used for committing the offence, temporary bans on running for elected or public office, national or Union-wide publication of the judicial decision relating to the conviction or any sanctions or measures applied.***

Amendment 171
Leopoldo López Gil

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 fines ***that shall be imposed to the discretion of each Member State, depending on the different types set out in its legislation, and the temporary or permanent disqualification from practising the activity or profession that enabled the criminal offence to occur.***

Or. es

Amendment 172
Karolin Braunsberger-Reinhold, Emil Radev, Lena Düpont

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 fines. ***The maximum fines shall amount to at least EUR 10 000 000 where those offences involve funds or economic resources of a value of at least EUR 1 000 000***

Or. en

Amendment 173
Clare Daly

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 fines **as an alternative to imprisonment.**

Or. en

Amendment 174
Clare Daly

Proposal for a directive
Article 5 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(5a) Persons subject to penalties of imprisonment under (3) and (4) shall be released in circumstances where the Court of Justice of the European Union rules that the designated person, entity or body with whom they had transacted should be delisted from the EU list of designated persons, entities and bodies on the grounds that the listing of the designated person, entity or body was unjustified.

Or. en

Amendment 175
Tomáš Zdechovský

Proposal for a directive
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

(1) Member States shall take the necessary measures to ensure that legal persons can be held liable for offences referred to in Articles 3 and 4 committed for their benefit by any person, acting either individually or as part of an organ of the legal person, and having a leading position within the legal person, based on:

Amendment

(1) Member States shall take the necessary measures to ensure that legal persons ***including entities or body formed by them*** can be held liable for offences referred to in Articles 3 and 4 committed for their benefit by any person, acting either individually or as part of an organ of the legal person, and having a leading position within the legal person, based on :

Or. en

Amendment 176
Clare Daly

Proposal for a directive
Article 6 – paragraph 2

Text proposed by the Commission

(2) Member States shall also take the necessary measures to ensure that legal persons can be held liable where the lack of supervision or control by a person referred to in paragraph 1 of this Article has made possible the commission, by a person under its authority, of any of the criminal offences referred to in Article 3 and 4 for the benefit of that legal person.

Amendment

deleted

Or. en

Amendment 177
Saskia Bricmont

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

(3) Liability of legal persons under paragraphs 1 and 2 of this Article shall not exclude the possibility of criminal

Amendment

(3) Liability of legal persons under paragraphs 1 and 2 of this Article shall not ***exclude the liability of the persons***

proceedings against natural persons who are perpetrators, inciters or accessories in the offences referred to in Articles 3 and 4.

referred to in paragraph 1 where the offence is attributable to the lack of supervision or control by such persons, nor it shall exclude the possibility of criminal proceedings against natural persons who are perpetrators, inciters or accessories in the offences referred to in Articles 3 and 4.

Or. en

Amendment 178

Clare Daly

Proposal for a directive Article 6 – paragraph 3

Text proposed by the Commission

(3) Liability of legal persons under paragraphs 1 and 2 of this Article shall not exclude the possibility of criminal proceedings against natural persons who are perpetrators, *inciters or accessories* in the offences referred to in Articles 3 and 4.

Amendment

(3) Liability of legal persons under paragraphs 1 and 2 of this Article shall not exclude the possibility of criminal proceedings against natural persons who are perpetrators, in the offences referred to in Articles 3 and 4.

Or. en

Amendment 179

Clare Daly

Proposal for a directive Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

(1) Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 7 is subject to effective, proportionate and dissuasive penalties, which shall include criminal or non-criminal fines, *exclusion from entitlement to public benefits or aid, exclusion from access to public funding, including tender procedures, grants and concessions* and may include other

Amendment

(1) Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 7 is subject to effective, proportionate and dissuasive penalties, which shall include criminal or non-criminal fines, and may include other penalties, such as:

penalties, such as:

Or. en

Amendment 180
Tomáš Zdechovský

Proposal for a directive
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

(1) Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 7 is subject to effective, proportionate and dissuasive penalties, which shall include criminal or non-criminal fines, exclusion from entitlement to public benefits or aid, exclusion from access to public funding, including tender procedures, grants and concessions and may include other penalties, such as:

Amendment

(1) Member States **and the EU where appropriate** shall take the necessary measures to ensure that a legal person held liable pursuant to Article 7 is subject to effective, proportionate and dissuasive penalties, which shall include criminal or non-criminal fines, exclusion from entitlement to public benefits or aid, exclusion from access to public funding, including tender procedures, grants and concessions and may include other penalties, such as

Or. en

Justification

EU in cases of provision of public funding from EU budget.

Amendment 181
Leopoldo López Gil

Proposal for a directive
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

(1) Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 7 is subject to effective, proportionate and dissuasive penalties, which shall include criminal or non-criminal fines, exclusion from entitlement to public benefits or aid,

Amendment

(1) Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 6 is subject to effective, proportionate and dissuasive penalties, which shall include criminal or non-criminal fines, exclusion from entitlement to public benefits or aid,

exclusion from access to public funding, including tender procedures, grants and concessions and may include other penalties, such as:

exclusion from access to public funding, including tender procedures, grants and concessions and may include other penalties, such as:

Or. es

Amendment 182
Saskia Bricmont

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

Text proposed by the Commission

Amendment

(a) disqualification from the practice of business activities;

(a) ***temporary or permanent*** disqualification from the practice of business activities;

Or. en

Amendment 183
Clare Daly

Proposal for a directive
Article 7 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) ***closure of establishments, which have been used for committing the criminal offence.***

deleted

Or. en

Amendment 184
Saskia Bricmont

Proposal for a directive
Article 7 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) ***obligation of companies to install***

due diligence schemes for enhancing compliance with Union Restrictive measures;

Or. en

Amendment 185

Saskia Bricmont

Proposal for a directive

Article 7 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) national or Union-wide publication of the judicial decision relating to the conviction or any sanctions or measures applied, including by referring them to relevant Union institutions.

Or. en

Amendment 186

Leopoldo López Gil

Proposal for a directive

Article 7 – paragraph 2

Text proposed by the Commission

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 total worldwide turnover of the legal person in the business year preceding the fining decision.

(2) Member States shall take the necessary measures to ensure that for legal persons held liable pursuant to Article 6 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.

Or. es

Amendment 187

Clare Daly

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), **point** (h) (iii) , 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.

Or. en

Amendment 188

Leopoldo López Gil

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 6 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.

Or. es

Amendment 189

Saskia Bricmont

Proposal for a directive

Article 8 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) the offence was committed in violation of a restrictive measure imposed in relation to crimes falling under the jurisdiction of the International Criminal Court;

Or. en

Amendment 190

Saskia Bricmont

Proposal for a directive

Article 8 – paragraph 1 – point -a a (new)

Text proposed by the Commission

Amendment

(-aa) the offence was committed in violation of a restrictive measure imposed in relation to violations of human rights;

Or. en

Amendment 191

Saskia Bricmont

Proposal for a directive

Article 8 – paragraph 1 – point -a b (new)

Text proposed by the Commission

Amendment

(-ab) the offence was committed in violation of a restrictive measure imposed in relation to serious acts of corruption;

Or. en

Amendment 192

Clare Daly

Proposal for a directive

Article 8 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *the offence was committed in the framework of a criminal organisation within the meaning of Council Framework Decision 2008/841/JHA⁵⁷;*

deleted

⁵⁷ *Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime OJ L 300, 11.11.2008, p. 42-45.*

Or. en

Amendment 193

Clare Daly

Proposal for a directive

Article 8 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) *the offence was committed* by a professional service provider in violation of his professional obligations;

(b) *deliberate and systematic offending* by a professional service provider in violation of his professional obligations;

Or. en

Amendment 194

Clare Daly

Proposal for a directive

Article 8 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *the offence was committed by a public official when performing his or her duties;*

deleted

Or. en

Amendment 195

Peter Pollák

Proposal for a directive

Article 8 – paragraph 1 – point c

Text proposed by the Commission

(c) the offence was committed by a public official when performing his or her duties;

Amendment

(c) the offence was committed by a public official when performing his or her duties; ***the high level government officials, including***

Or. en

Amendment 196

Clare Daly

Proposal for a directive

Article 8 – paragraph 1 – point d

Text proposed by the Commission

(d) ***the offence was committed by another person when performing a public function.***

Amendment

deleted

Or. en

Amendment 197

Leopoldo López Gil

Proposal for a directive

Article 8 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the offence was committed by a member of the government administration of a Member State, i.e. the Prime Minister, President, Ministers, senior public officials or any person directly or indirectly in their chain of command.

Amendment 198

Clare Daly

Proposal for a directive

Article 8 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the offence involves the export of military technology or equipment as defined in Council Common Position 2008/944/CFSP.

Or. en

Amendment 199

Saskia Bricmont

Proposal for a directive

Article 8 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) in case of legal entities, the offence was committed by a person having a leading position within the legal person.

Or. en

Amendment 200

Leopoldo López Gil

Proposal for a directive

Article 8 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) the offence was committed for personal gain by a professional of the categories mentioned in paragraphs b, c, d and e;

Amendment 201
Leopoldo López Gil

Proposal for a directive
Article 8 – paragraph 1 – point d c (new)

Text proposed by the Commission

Amendment

(dc) the natural or legal person has previously committed offences under Articles 3 and 4, i.e. the person is a repeat offender.

Or. es

Amendment 202
Clare Daly

Proposal for a directive
Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Provided this is not already an obligation under Union restrictive measures, Member States shall take the necessary measures to ensure that, in relation to the offences referred to in Articles 3 and 4, the following may be regarded as a mitigating circumstance:

Provided this is not already an obligation under Union restrictive measures, Member States shall take the necessary measures to ensure that, in relation to the offences referred to in Articles 3 and 4, the following may be regarded as a mitigating circumstance, **which means a factor relevant as regards a reduction in penalty:**

Or. en

Amendment 203
Saskia Bricmont

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

Text proposed by the Commission

Amendment

(ba) the offender reports self-disclosure of an offence, before this is detented by the competent authorities.

Or. en

Amendment 204

Clare Daly

Proposal for a directive

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Mitigating circumstances will additionally take into account the following factors:

(a) The value of the breach and whether it was conducted in a repeated or systematic manner;

(b) If it has posed significant harm or risk to the objectives outlined in the Council Regulation on restrictive measures;

(c) The clarity and availability of information regarding the ownership and control of the designated entity.

Or. en

Amendment 205

Saskia Bricmont

Proposal for a directive

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall take the necessary measures to ensure that, in the assessment of the mitigating circumstance, competent authorities take into account the nature, timing, and extent of the information provided by the offender and the level of cooperation provided by the person in question.

Amendment 206

Clare Daly

Proposal for a directive**Article 10***Text proposed by the Commission**Amendment***Article 10****deleted****Freezing 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].

Amendment 207

Thijs Reuten

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 ***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].

Amendment 208

Thijs Reuten

Proposal for a directive

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall take the necessary measures to allow confiscated property to be used for public interest or social purposes, with a particular focus on the victims wherever possible. Where the confiscated assets originated in a third country, except in the circumstances of war of aggression, Member States shall take all appropriate measures to return them to the third country. In order for these measures to take place efficiently, the Commission and the Member States shall facilitate coordination between competent authorities and with third countries.

Or. en

Amendment 209

Saskia Bricmont

Proposal for a directive

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall take the necessary measures to ensure that funds or economic resources that are subject to Union restrictive measures imposed in relation to crimes falling under the jurisdiction of the International Criminal Court, or in relation to human rights violations, and which are confiscated as a result of proceedings related to an offence referred to in Articles 3 and 4 (2), are

used for reparation or restoration purposes.

Or. en

Amendment 210

Thijs Reuten

Proposal for a directive

Article 10 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The Commission shall issue guidelines on the use of the confiscated instrumentalities, proceeds and property for compensation, restitution and reparations towards States, especially in the circumstances of war of aggression insofar as the interests at stake are directly or indirectly affected by the criminal activities covered by this Directive and the Directive (EU) [...] of the European Parliament and of the Council [on asset recovery and confiscation].

Or. en

Amendment 211

Leopoldo López Gil

Proposal for a directive

Article 11 – title

Text proposed by the Commission

Amendment

Jurisdiction rules

Jurisdiction *and competence* rules

Or. es

Amendment 212

Leopoldo López Gil

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

Text proposed by the Commission

(a) the criminal offence was committed in whole or in part within its territory, including its *airspace*;

Amendment

(a) the criminal offence was committed in whole or in part within its territory, including its *air and maritime space*;

Or. es

Amendment 213
Peter Pollák

Proposal for a directive
Article 11 – paragraph 1 – point d

Text proposed by the Commission

(d) the offender is one of its officials who acts in his or her official duty;

Amendment

(d) the offender is one of its *officials, including high level government* officials who acts in his or her official duty;

Or. en

Amendment 214
Leopoldo López Gil

Proposal for a directive
Article 11 – paragraph 1 – point e

Text proposed by the Commission

(e) the offence is committed for the benefit of a legal person which is established on its territory;

Amendment

(e) the offence is committed for the benefit of a *natural or* legal person which is established on its territory;

Or. es

Amendment 215
Leopoldo López Gil

Proposal for a directive
Article 11 – paragraph 1 – point f

Text proposed by the Commission

(f) the offence is committed for the benefit of a legal person in respect of any business done in whole or in part on its territory.

Amendment

(f) the offence is committed for the benefit of a ***natural or*** legal person in respect of any business done in whole or in part on its territory.

Or. es

Amendment 216
Clare Daly

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

(2) Member States shall take the necessary measures to enable the investigation, prosecution, trial and judicial decision of criminal offences referred to in Articles 3 and 4 which are punishable by a maximum penalty of at least five years of imprisonment, for a period of at least five years from the time when the offence was committed.

Amendment

deleted

Or. en

Amendment 217
Leopoldo López Gil

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

(2) Member States shall take the necessary measures to enable the investigation, prosecution, trial and judicial decision of criminal offences referred to in Articles 3 and 4 which are punishable by a maximum penalty of at least five years of imprisonment, for a period of at least five years from the time when the offence was

Amendment

(2) Member States shall take the necessary measures to enable the investigation, prosecution, trial and judicial decision of criminal offences referred to in Articles 3 and 4 which are punishable by a maximum penalty of at least five years of imprisonment, ***or the offender's disqualification***, for a period of at least

committed.

five years from the time when the offence was committed.

Or. es

Amendment 218

Clare Daly

Proposal for a directive

Article 12 – paragraph 3

Text proposed by the Commission

Amendment

(3) *By way of derogation from paragraph 2, Member States may establish a limitation period that is shorter than five years, but not shorter than three years, provided that the period may be interrupted or suspended in the event of specified acts.*

deleted

Or. en

Amendment 219

Clare Daly

Proposal for a directive

Article 12 – paragraph 4

Text proposed by the Commission

Amendment

(4) *Member States shall take the necessary measures to enable the enforcement of:*

deleted

(a) a penalty of more than one year of imprisonment; or alternatively

(b) a penalty of imprisonment in the case of a criminal offence which is punishable by a maximum penalty of at least four years of imprisonment,

imposed following a final conviction for a criminal offence referred to in Articles 3 and 4 for at least five years from the date of the final conviction. That period may include extensions of the limitation period

arising from interruption or suspension.

Or. en

Amendment 220
Saskia Bricmont

Proposal for a directive
Article 12 – paragraph 4 – point b

Text proposed by the Commission

(b) a penalty of imprisonment in the case of a criminal offence which is punishable by a maximum penalty of at least **four** years of imprisonment,

Amendment

(b) a penalty of imprisonment in the case of a criminal offence which is punishable by a maximum penalty of at least **five** years of imprisonment,

Or. en

Amendment 221
Leopoldo López Gil

Proposal for a directive
Article 12 – paragraph 4 – point b

Text proposed by the Commission

(b) a penalty of imprisonment in the case of a criminal offence which is punishable by a maximum penalty of at least **four** years of imprisonment,

Amendment

(b) a penalty of imprisonment in the case of a criminal offence which is punishable by a maximum penalty of at least **five** years of imprisonment,

Or. es

Amendment 222
Patryk Jaki

Proposal for a directive
Article 13

Text proposed by the Commission

Article 13

Amendment

deleted

*Coordination and cooperation between
competent authorities within a Member
State*

*Member States shall take the necessary
measures to establish appropriate
mechanisms for coordination and
cooperation at strategic and operational
levels among all their competent
administrative, law enforcement and
judicial authorities.*

*Such mechanisms shall be aimed at least
at:*

*(a) ensuring common priorities and
understanding of the relationship between
criminal and administrative enforcement;*

*(b) exchange of information for strategic
and operational purposes;*

*(c) consultation in individual
investigations;*

(d) the exchange of best practices;

*(e) assistance to networks of practitioners
working on matters relevant to
investigating and prosecuting offences
related to the violation of Union
restrictive measures.*

Or. pl

Amendment 223
Saskia Bricmont

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary
measures to establish appropriate
mechanisms for coordination and
cooperation at strategic and operational
levels among all their competent
administrative, law enforcement and
judicial authorities.

Amendment

Member States shall take the necessary
measures to establish appropriate
mechanisms for coordination and
cooperation at strategic and operational
levels among all their competent
administrative, law enforcement and
judicial authorities. ***The establishment of
coordination and cooperation
mechanisms at strategic and operational***

levels shall be without prejudice to Member States' national rules on criminal proceedings, as well as with the Charter of Fundamental Rights of the European Union and with the Member State's obligations under Article 6 TEU.

Or. en

Amendment 224

Clare Daly

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to establish appropriate mechanisms for coordination and cooperation at ***strategic and*** operational levels among all their competent administrative, law enforcement and judicial authorities.

Amendment

Member States shall take the necessary measures to establish appropriate mechanisms for coordination and cooperation at operational levels among all their competent administrative, law enforcement and judicial authorities.

Or. en

Amendment 225

Thijs Reuten

Proposal for a directive

Article 13 – paragraph 2 – introductory part

Text proposed by the Commission

Such mechanisms shall be aimed at ***least at:***

Amendment

Such mechanisms shall be aimed at:

Or. en

Amendment 226

Clare Daly

Proposal for a directive

Article 13 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) ensuring common priorities and understanding of the relationship between criminal and administrative enforcement;

deleted

Or. en

Amendment 227

Saskia Bricmont

Proposal for a directive

Article 13 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) establishing a governance framework to achieve the strategic objectives and priorities, including the identification of clear cooperation mechanisms between authorities responsible for the enforcement of Union restrictive measures, law enforcement and judicial authorities, asset recovery offices and asset management offices, and financial intelligence units (FIUs);

Or. en

Amendment 228

Clare Daly

Proposal for a directive

Article 13 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) exchange of information for *strategic and* operational purposes;

(b) exchange of information for operational purposes;

Or. en

Amendment 229

Clare Daly

Proposal for a directive

Article 13 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the exchange of best practices as regards the granting of general licensing and exemption measures.

Or. en

Amendment 230

Clare Daly

Proposal for a directive

Article 13 – paragraph 2 – point e b (new)

Text proposed by the Commission

Amendment

(eb) facilitation of dialogue with entities aligning with restrictive measures, which dialogue should include a range of private and public stakeholders, including the banking sector and humanitarian organisations, as well as other stakeholders who are impacted by compliance requirements.

Or. en

Amendment 231

Saskia Bricmont

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

Member states shall ensure that sufficient financial and human resources are allocated for the detection, investigation, and prosecution of criminal offences related to the violation of Union

restrictive measures, and that specialised training is provided to the competent administrative, law enforcement and judicial authorities authorities involved in such tasks. In particular, Member States shall, in accordance with national law, assess the need to strengthen their judicial and enforcement systems in the area of violation and circumvention of Union Restrictive measures, by establishing or, where relevant, strengthening specialised units, memoranda of understanding between competent authorities, administrative enforcement bodies and joint training activities.

Or. en

Amendment 232
Saskia Bricmont

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

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.

Amendment

Member States shall take the necessary ***and appropriate*** 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, ***in compliance with national procedural rules on criminal proceedings, as well as with the Charter of Fundamental Rights of the European Union and with the Member State's obligations under Article 6 TEU.***

Or. en

Amendment 233
Clare Daly

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission

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.

Amendment

Member States shall take the necessary measures to ensure that effective investigative tools, are also available for investigating or prosecuting offences referred to in Articles 3 and 4.

Or. en

Amendment 234 Saskia Bricmont

Proposal for a directive Article 16 – title

Text proposed by the Commission

Cooperation between Member States' authorities, the Commission, Europol, Eurojust ***and*** the European Public Prosecutor's Office

Amendment

Cooperation between Member States' authorities, the Commission, Europol, Eurojust, the European Public Prosecutor's Office ***and the European Anti-Fraud Office***

Or. en

Amendment 235 Saskia Bricmont

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, the European Anti-Fraud*** Office, and the Commission shall, within their respective competences, cooperate with each other in

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.

the fight against the criminal offences referred to in Articles 3 and 4. To that end, the Commission shall **establish a permanent network of experts and practitioners to share best practices and** provide technical and operational **support** in order to facilitate the coordination of investigations and prosecutions by the competent authorities, **Europol and Eurojust, the European Public Prosecutor's Office, and the European Anti-Fraud Office, in compliance with Union law. The network shall also provide a publicly available and regularly updated mapping of risks of violations or circumvention of Union restrictive measures in specific geographic areas, and with respect to specific sectors and activities.**

Or. en

Amendment 236
Clare Daly

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.

Or. en

Amendment 237
Tomáš Zdechovský

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 **and the principle of subsidiarity**, 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.

Or. en

Amendment 238
Saskia Bricmont

Proposal for a directive
Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) The institutions, bodies, offices and agencies of the Union and the authorities of the Member States which participate in enhanced cooperation on the establishment of the EPPO shall without undue delay report to the EPPO any criminal conduct in respect of which it could exercise its competence in accordance with Article 22, Article 25(2) and (3) of Regulation (EU) 2017/1939.

Amendment 239

Clare Daly

Proposal for a directive

Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) The Council, the Commission and the EEAS shall provide relevant information upon request and in a timely manner to Member State authorities, including clarity on each CFSP decision and Regulation, as well as information on exemption measures, and any other legal, technical or horizontal issues.

Or. en

Amendment 240

Clare Daly

Proposal for a directive

Article 16 – paragraph 2

Text proposed by the Commission

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 and other competent authorities.

(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, ***lack of clarity on requirements and any issues with technical implementation*** with the Commission and other competent authorities.

Or. en

Amendment 241

Leopoldo López Gil

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 **frequently and** 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.

Or. es

Amendment 242
Clare Daly

Proposal for a directive
Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a

Provision of reliable and up-to-date information

(1) In order to ensure the principle of legal certainty is upheld, the Commission shall establish and maintain an information technology instrument to provide full, comprehensive and easily accessible information on all designated persons, entities and bodies, as well as all legal entities associated with those designated persons, entities and bodies, and transactions with designated persons, entities and bodies which constitute a violation of Union restrictive measures under this Directive. The instrument shall consist of a database and automated search interface.

(2) The Commission shall be responsible for the technical management, development, maintenance, security and

support of the instrument.

(3) Relevant information shall be made available via an automated search interface, and indicate in a clear, precise and understandable way if a transaction is liable for criminal penalty. Liability for inaccurate or outdated information contained in the database shall rest with the Commission.

Or. en

Amendment 243
Saskia Bricmont

Proposal for a directive
Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a

International Cooperation

Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member State's competent authorities, Europol, Eurojust, the European Public Prosecutor's Office, and the Commission shall, within their respective competences and in the limits of their respective remit, cooperate with competent authorities of third countries in the fight against the criminal offences referred to in Articles 3 and 4, in full respect of fundamental rights and international law.

Or. en

Amendment 244
Leopoldo López Gil

Proposal for a directive
Article 17 – title

Text proposed by the Commission

Amendment

Amendments to Directive (EU) **2018/1673**

Amendments to Directive (EU) **2018/1673**
on countering money laundering by
criminal law

Or. es

Amendment 245

Clare Daly

Proposal for a directive

Article 17 – paragraph 1

Directive (EU) 2018/1673

Article 2(1)

Text proposed by the Commission

Amendment

(w) violation of Union restrictive measures.

(w) violation of **certain** Union restrictive measures **contained in [Directive 2022/...]**

Or. en

Amendment 246

Saskia Bricmont

Proposal for a directive

Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

Unwarranted de-risking, non-discrimination and financial inclusion

1. Member States shall take the necessary measures to ensure that credit and financial institutions have in place controls and procedures to warrant that the application of measures aimed at preventing the violation or circumvention of Union restrictive measures does not result in the unwarranted refusal, or termination, of business relationships with entire categories of customers. The

internal policies, controls and procedures of credit and financial institutions shall include options for mitigating the risks of violation or circumvention of Union restrictive measures that shall be applied before deciding to reject a customer on the grounds of a risk of violation or circumvention.

The internal policies and procedures of credit and financial institutions shall include options and criteria to adjust the features of products or services offered to a given customer on an individual and risk-sensitive basis and, where applicable, in accordance with the level of services offered under Directive 2014/92/EU.

2. Without prejudice to paragraph 1, Member States shall take the necessary measures to ensure that credit and financial institutions have in place internal policies, controls and procedures to warrant that the application of measures aimed at preventing the violation or circumvention of Union restrictive measures does not result in the undue exclusion of non-profit organisations and their representatives and associates from access to financial services exclusively on the basis of geographical risk.

Or. en

Amendment 247
Saskia Bricmont

Proposal for a directive
Article 17 b (new)

Text proposed by the Commission

Amendment

Article 17b

Legal remedies

1. Member States shall ensure that the persons affected by the measures provided for under this Directive have the right to

defence, to an effective remedy, and to a fair trial in order to uphold their rights.

2. Member States shall provide for the effective possibility for the person affected to challenge charges brought against pursuant to this Directive before a court, in accordance with procedures provided for in national law. Where the decision to prosecute has been taken by a competent authority other than a judicial authority, national law shall provide that such an order is first to be submitted for validation or review, in a reasonable delay, to a judicial authority before it can be challenged before a court.

3. Where the suspected or accused person has absconded, Member States shall take all reasonable steps to ensure an effective possibility to exercise the right to legal remedies and shall require that the person concerned be summoned to the proceedings or that reasonable efforts be made to make the person aware of such proceedings.

Or. en

Amendment 248

Thijs Reuten

Proposal for a directive

Article 18 – paragraph 1

Text proposed by the Commission

(1) Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [OP- please insert the data- within ~~six~~ months after entry into force of the Directive]. They shall immediately inform the Commission thereof. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by the Directive.

Amendment

(1) Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [OP- please insert the data- within **three** months after entry into force of the Directive]. They shall immediately inform the Commission thereof. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by the Directive.

Amendment 249

Clare Daly

Proposal for a directive**Article 18 – paragraph 1***Text proposed by the Commission*

(1) Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [OP- please insert the data- within **six months** after entry into force of the Directive]. They shall immediately inform the Commission thereof. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by the Directive.

Amendment

(1) Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [OP- please insert the data- within **one year** after entry into force of the Directive]. They shall immediately inform the Commission thereof. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by the Directive.

Amendment 250

Moritz Körner

Proposal for a directive**Article 18 a (new)***Text proposed by the Commission**Amendment***Article 18a****Statistics**

1. Member States shall collect and maintain comprehensive statistics at central level on the measures taken under this Directive.

2. Without prejudice to the reporting obligations laid down in other Union legal acts, the Member States shall, on a quarterly basis, submit to the Commission the following statistics on the criminal offences referred to in Articles 3 and 4, specified per type of Union restrictive

measure:

(a) the number of criminal proceedings initiated;

(b) the number of criminal proceedings dismissed;

(c) the number of criminal proceedings resulting in an acquittal;

(d) the number of criminal proceedings resulting in a conviction;

(e) the number of ongoing criminal proceedings;

(f) the average length of criminal proceedings;

(g) the value of the funds and economic resources frozen;

(h) the value of the funds and economic resources seized.

The statistics to be submitted shall also include the types and levels of penalties and sanctions imposed for violation of Union restrictive measures.

3. The Commission is empowered to adopt delegated acts in accordance with [Article 18b] concerning the establishment of detailed rules on the information to be collected and on the methodology for the collection of the statistics referred to in paragraph 2 of this Article and the arrangements for their transmission to the Commission.

4. Within two weeks after receipt of the quarterly statistics, the Commission shall make them publicly available on its website, maintaining the breakdown by Member State.

Or. en

Amendment 251
Clare Daly

Proposal for a directive
Article 19 – title

Text proposed by the Commission

Amendment

Evaluation **and** reporting

Evaluation, reporting **and impact assessment**

Or. en

Amendment 252

Clare Daly

Proposal for a directive

Article 19 – paragraph 1

Text proposed by the Commission

Amendment

(1) By [OP- please insert the date- two years after the transposition period is over] the Commission shall submit a report to the European Parliament and the Council, assessing ***the extent to which the*** Member States ***have taken the necessary measures in order to comply with this Directive.*** Member States shall provide the Commission with the necessary information for the preparation of that report.

(1) By [OP- please insert the date- two years after the transposition period is over] the Commission shall submit a report to the European Parliament and the Council, assessing ***legal, technical or cooperational issues*** Member States ***encountered when implementing this Regulation as well as impacts on humanitarian work and fundamental rights. The Commission shall facilitate multi-stakeholder consultations to this end, which shall include national experts, civil society, and a range relevant private and public entities.*** Member States shall provide the Commission with the necessary information for the preparation of that report.

Or. en

Amendment 253

Clare Daly

Proposal for a directive

Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) Following the publication of this report, the Commission will submit to the

Council a periodic evaluation on the effectiveness of this regulation as well as broader assessment of union restrictive measures compliance, in consultation with the European Parliament. The purpose of this is to keep abreast of the impacts of the regularly changing requirements of restrictive measures, and ensure the clarity and proportionality of the objectives, benchmarks and criteria set out by the Council at the time of adoption of the restrictive measures.

Or. en

Amendment 254
Leopoldo López Gil

Proposal for a directive
Article 19 – paragraph 2 – introductory part

Text proposed by the Commission

(2) Without prejudice to reporting obligations laid down in other Union legal acts, Member States shall, on an annual basis, submit the following statistics on the criminal offences referred to in Articles 3 and 4 *to the Commission*:

Amendment

(2) Without prejudice to reporting obligations laid down in other Union legal acts, Member States shall, on an annual basis, submit *to the Commission and make public in accordance with the transparency principle*, the following statistics on the criminal offences referred to in Articles 3 and 4, *and they shall also ensure that any interested EU citizens can access this information easily*:

Or. es

Amendment 255
Saskia Bricmont

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

Text proposed by the Commission

Amendment

(ba) the number of criminal proceedings that involved cross-border

cooperation among Member States competent authorities, relevant Union bodies and agencies, and competent authorities from third countries.

Or. en

Amendment 256
Leopoldo López Gil

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

Text proposed by the Commission

Amendment

(ba) the value of funds and economic resources that have been frozen and the value of funds and economic resources that have been seized.

Or. es

Amendment 257
Saskia Bricmont

Proposal for a directive
Article 19 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) Within 12 months of the entry into force of the Directive the Commission shall draw up a report on measures for further strengthening cooperation between the Member States and the Commission and other Union institutions, bodies, offices and agencies. This shall include an assessment of the possibility and modalities of the extension of competences of the EPPO to include the criminal offences listed under Article 3, paragraph 2, points (a) to (g).

Or. en

Amendment 258

Clare Daly

Proposal for a directive

Article 19 – paragraph 4

Text proposed by the Commission

(4) By [OP-please insert the *data-five* years after the transposition period is over], the Commission shall carry out an evaluation of the impact of this Directive and submit a report to the European Parliament and to the Council. Member States shall provide the Commission with necessary information for the preparation of that report.

Amendment

(4) By [OP-please insert the *data-three* years after the transposition period is over], the Commission shall carry out an evaluation of the impact of this Directive and submit a report to the European Parliament and to the Council. Member States shall provide the Commission with necessary information for the preparation of that report.

Or. en