



2022/0398(COD)

3.5.2023

*****I**

DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council
on the definition of criminal offences and penalties for the violation of Union
restrictive measures
(COM(2022)0684 – C9-0401/2022 – 2022/0398(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Sophia in 't Veld

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council on the definition of criminal offences and penalties for the violation of Union restrictive measures

(COM(0022)0684 – C9-0401/2022 – 2022/0398(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(0022)0684),
 - having regard to Article 294(2) and Article 83(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0401/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 23 March 2023¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinion of the Committee Budgets,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0000/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive

Recital 4

Text proposed by the Commission

Amendment

(4) The effective application of Union

(4) The effective application of Union

¹ Not yet published in the Official Journal.

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.

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 negligence, in case the natural or legal person knew or should have known, that their conduct would infringe Union restrictive measures.

Or. en

Amendment 2

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 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

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 ***or has reasons to believe*** that the client is seeking legal advice for the purposes of violating Union restrictive measures.

objective factual circumstances.

Knowledge can be inferred from objective factual circumstances.

Or. en

Amendment 3

Proposal for a directive Recital 11

Text proposed by the Commission

(11) Given that legal persons are also subject to Union restrictive measures, legal persons should also be held criminally liable for offences related to the violation of Union restrictive measures according to this Directive. Member States whose national law does not provide for the criminal liability of legal persons should ensure that their administrative sanctioning systems provide for effective, dissuasive and proportionate *penalty* types and levels.

Amendment

(11) Given that legal persons are also subject to Union restrictive measures, legal persons should also be held criminally liable for offences related to the violation of Union restrictive measures according to this Directive. Member States whose national law does not provide for the criminal liability of legal persons should ensure that their administrative sanctioning systems provide for effective, dissuasive and proportionate *sanction* types and levels.

Or. en

Amendment 4

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

Amendment

(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 **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.

increase the level of the penalty. Member States should provide for the possibility of 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. en

Amendment 5

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. ***For the purposes of this Directive and notwithstanding a possible extension of the competence of the EPPO, 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, should closely cooperate with the central and decentralised levels of the EPPO. They should in particular fulfil the reporting obligations under Regulation (EU) 2017/1939, including where the EPPO is competent in respect of criminal offences for the violation of Union restrictive measures because they constitute offences regarding participation in a criminal***

*organisation or criminal offences
inextricably linked to offences referred to
in Article 22(2) and (3) of Regulation
(EU) 2017/1939.*

Or. en

Amendment 6

Proposal for a directive Article 2 – title

Text proposed by the Commission

Amendment

Scope *and definitions*

Scope

Or. en

Justification

Separate articles for scope and definitions

Amendment 7

Proposal for a directive Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2a

Definitions

Or. en

Justification

Separate articles for scope and definitions

Amendment 8

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

Or. en

Amendment 9

**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 negligence.

Or. en

Amendment 10

**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

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.

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 reasons to believe* that the client is seeking legal advice for the purposes of violating Union restrictive measures.

Or. en

Amendment 11

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 *and 4* are punishable by a maximum penalty of at least *five* 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 *Articles 3(2)* when committed by the same offender.

Or. en

Amendment 12

Proposal for a directive Article 5 – paragraph 4

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 13

Proposal for a directive Article 5 – paragraph 5

Text proposed by the Commission

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.

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

Or. en

Amendment 14

Proposal for a directive Article 7 – title

Text proposed by the Commission

Amendment

Penalties for legal persons

Sanctions for legal persons

Or. en

Amendment 15

Proposal for a directive

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

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, 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:

(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 **sanctions**, 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 **sanctions**, such as:

Or. en

Amendment 16

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) are punishable by fines, the maximum limit of which should be not less than **15** percent of the total worldwide turnover of the legal person in the business year preceding the fining decision.

Amendment 17

Proposal for a directive Article 7 – paragraph 3

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 18

Proposal for a directive Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

In so far as the following circumstances do not already form part of the constituent elements of the criminal offences referred to in Articles 3 and 4, Member States shall take the necessary measures to ensure that **one or several of** the following circumstances may be regarded as aggravating circumstances:

In so far as the following circumstances do not already form part of the constituent elements of the criminal offences referred to in Articles 3 and 4, Member States shall take the necessary measures to ensure that the following circumstances may be regarded as aggravating circumstances:

Or. en

Amendment 19

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

Text proposed by the Commission

Amendment

(aa) the offence involved the use of false or forged documents;

Or. en

Amendment 20

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) the offence was committed by a professional service provider in violation of that provider's professional obligations;

Or. en

Amendment 21

Proposal for a directive

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

Text proposed by the Commission

Amendment

(da) the offence generated or was expected to generate substantial financial benefits, or avoided substantial expenses, directly or indirectly;

Or. en

Amendment 22

Proposal for a directive

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

Text proposed by the Commission

Amendment

(db) the offender actively obstructs the inspection, custom controls or

*investigation activities, destroys evidence,
or intimidates or interferes with witnesses
or complainants;*

Or. en

Amendment 23

Proposal for a directive

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

Text proposed by the Commission

Amendment

*(db) the offender does not provide
assistance to inspection and other
enforcement authorities when legally
required;*

Or. en

Amendment 24

Proposal for a directive

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

Text proposed by the Commission

Amendment

*(dd) in the case of legal entities, the
offence was committed by senior
management, or the senior management
level should reasonably have been aware
of the offence committed.*

Or. en

Amendment 25

Proposal for a directive

Article 12 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) a penalty of imprisonment in the
case of a criminal offence which is

(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,

punishable by a maximum penalty of at least **five** years of imprisonment,

Or. en

Amendment 26

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

1. Each Member State shall set up or designate a dedicated unit for the purpose of coordination and cooperation at strategic and operational levels among all competent administrative, law enforcement and judicial authorities ***within a Member State.***

Or. en

Amendment 27

Proposal for a directive Article 13 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

2. The dedicated units referred to in paragraph 1 shall have the following tasks:

Or. en

Amendment 28

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

Text proposed by the Commission

(a) ***ensuring*** common priorities and understanding of the relationship between

Amendment

(a) ***to ensure*** common priorities and understanding of the relationship between

criminal and administrative enforcement;

criminal and administrative enforcement;

Or. en

Amendment 29

Proposal for a directive

Article 13 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 30

Proposal for a directive

Article 13 – paragraph 2 – point c

Text proposed by the Commission

(c) **consultation** in individual investigations;

Amendment

(c) **to be consulted** in individual investigations;

Or. en

Amendment 31

Proposal for a directive

Article 13 – paragraph 2 – point d

Text proposed by the Commission

(d) **the** exchange *of* best practices;

Amendment

(d) **to** exchange best practices;

Or. en

Amendment 32

Proposal for a directive

Article 13 – paragraph 2 – point e

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 33

Proposal for a directive

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that the competent national authorities are provided with the human, technical and financial resources, premises and infrastructure necessary for the effective investigation and prosecution of violation of Union restrictive measures.

Or. en

Amendment 34

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

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

(1) Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, the Member States' ***national dedicated units set up in [Article 13]***, Europol, Eurojust, the European Public Prosecutor's Office, and the Commission shall, within their

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.

respective competences, ***meet regularly in a structured format in order to coordinate and*** 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 35

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.

Or. en

Amendment 36

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 an annual basis, by September of the following year, 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. The Commission shall make these statistics publicly available on an annual basis.

Amendment 37**Proposal for a directive
Article 18 b (new)***Text proposed by the Commission**Amendment***Article 18b*****Exercise of the delegation***

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The power to adopt delegated acts referred to in [Article 18a] shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Directive].***
- 3. The delegation of power referred to in [Article 18a] may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.***
- 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.***
- 5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.***
- 6. A delegated act adopted pursuant to [Article 18a] shall enter into force only if no objection has been expressed either by the European Parliament or by the***

Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.

Or. en

Amendment 38

Proposal for a directive Article 19 – paragraph 2

Text proposed by the Commission

Amendment

(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:

deleted

(a) the number of criminal proceedings initiated, dismissed, resulting in an acquittal, resulting in a conviction and ongoing;

(b) the types and levels of penalties imposed for violation of Union restrictive measures.

Or. en

Justification

Covered in separate article about statistics

Amendment 39

Proposal for a directive Article 19 – paragraph 3

Text proposed by the Commission

Amendment

(3) Member States shall submit the statistical data referred to in paragraph 2 to the Commission using the dedicated reporting tools set up by the Commission for reporting in the field of restrictive measures.

deleted

Or. en

Amendment 40

Proposal for a directive Article 19 – paragraph 4

Text proposed by the Commission

Amendment

(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.

(4) By [OP-please insert the *date*-five years after the transposition period is over], the Commission shall carry out an evaluation of the impact of this Directive, *taking into account the annual statistics provided by the Member States*, and submit a report to the European Parliament and to the Council, *which shall be made public*. Member States shall provide the Commission with necessary information for the preparation of that report. *On the basis of that evaluation, the Commission shall decide on the appropriate follow-up actions, including, if necessary, a legislative proposal.*

Or. en