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Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive (EU) 2019/1153 of the European Parliament and of the Council, as regards access of competent authorities to centralised bank account registries through the single access point – 4-column table

Delegations will find in the Annex a four-column table concerning the above legislative proposal, which contains:

- the Commission proposal of 20 July 2021,
- amendments adopted by the European Parliament on 13 February 2023, and
- the mandate approved by the Permanent Representative Committee on 29 March 2023.

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive (EU) 2019/1153 of the European Parliament and of the Council, as regards access of competent authorities to centralised bank account registries through the single access point

2021/0244(COD)

DRAFT

02-05-2023 at 10h11

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2021/0244 (COD)	2021/0244 (COD)	2021/0244 (COD)	
Proposal Title				
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive (EU) 2019/1153 of the European Parliament and of the Council, as regards access of competent authorities to centralised bank account registries through the single access point	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive (EU) 2019/1153 of the European Parliament and of the Council, as regards access of competent authorities to centralised bank account registries through the single access point	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive (EU) 2019/1153 of the European Parliament and of the Council, as regards access of competent authorities to centralised bank account registries through the single access point	
Formula				

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3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 87(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 87(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 87(2) thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	

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Citation 5				
8	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
10	Whereas:	Whereas:	Whereas:	
Recital 1				
11	(1) Facilitating access to financial information is necessary to prevent, detect, investigate or prosecute serious crime, including terrorism. In particular, swift access to financial information is essential for carrying out effective criminal investigations and for successfully tracing and subsequently confiscating instrumentalities and proceeds of	(1) <i>Optimising and</i> facilitating access to financial information is necessary to prevent, detect, investigate or prosecute serious crime, including terrorism. In particular, swift access to financial information is essential for carrying out effective criminal investigations and for successfully tracing and subsequently confiscating instrumentalities and	(1) Facilitating access to financial information is necessary to prevent, detect, investigate or prosecute serious crime, including terrorism. In particular, swift access to financial information is essential for carrying out effective criminal investigations and for successfully tracing and subsequently confiscating instrumentalities and proceeds of	

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	crime.	proceeds of <u>crime, in particular as part of investigations into organised</u> crime.	crime.	
Recital 2				
12	<p>(2) Directive (EU) 2019/1153 of the European Parliament and of the Council¹ enables authorities competent for the prevention, detection, investigation or prosecution of criminal offences designated by Member States to access and search, subject to certain safeguards and limitations, bank account information. Directive (EU) 2019/1153 defines bank account information as certain information contained in the centralised automated mechanisms that Member States set up pursuant to Directive (EU) 2015/849 of the European Parliament and of the Council², referred to in Directive (EU) 2019/1153 as centralised bank account registries.</p> <p>1. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences,</p>	<p>(2) Directive (EU) 2019/1153 of the European Parliament and of the Council¹ enables authorities competent for the prevention, detection, investigation or prosecution of criminal offences designated by Member States to access and search, subject to certain safeguards and limitations, bank account information. Directive (EU) 2019/1153 defines bank account information as certain information contained in the centralised automated mechanisms that Member States set up pursuant to Directive (EU) 2015/849 of the European Parliament and of the Council², referred to in Directive (EU) 2019/1153 as centralised bank account registries.</p> <p>1. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences,</p>	<p>(2) Directive (EU) 2019/1153 of the European Parliament and of the Council¹ enables authorities competent for the prevention, detection, investigation or prosecution of criminal offences designated by Member States to access and search, subject to certain safeguards and limitations, bank account information. Directive (EU) 2019/1153 defines bank account information as certain information contained in the centralised automated mechanisms that Member States set up pursuant to Directive (EU) 2015/849 of the European Parliament and of the Council², referred to in Directive (EU) 2019/1153 as centralised bank account registries.</p> <p>1. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences,</p>	

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	and repealing Council Decision 2000/642/JHA (OJ L186 of 11.7.2019, p. 122). 2. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).	and repealing Council Decision 2000/642/JHA (OJ L186 of 11.7.2019, p. 122). 2. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).	and repealing Council Decision 2000/642/JHA (OJ L186 of 11.7.2019, p. 122). 2. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).	
Recital 3				
13	(3) The authorities designated under Directive (EU) 2019/1153 include at least the Asset Recovery Offices and can also include tax authorities and anti-corruption agencies to the extent that they are competent for the prevention, detection, investigation or prosecution of criminal offences under national law. Pursuant to that Directive, the competent authorities are empowered to directly access and search only the centralised bank account registries of the Member State that designated those authorities.	(3) The authorities designated under Directive (EU) 2019/1153 include at least the Asset Recovery Offices and can also include tax authorities and anti-corruption agencies to the extent that they are competent for the prevention, detection, investigation or prosecution of criminal offences under national law. Pursuant to that Directive, the competent authorities are empowered to directly access and search only the centralised bank account registries of the Member State that designated those authorities.	(3) The authorities designated under Directive (EU) 2019/1153 include at least the Asset Recovery Offices and can also include tax authorities and anti-corruption agencies to the extent that they are competent for the prevention, detection, investigation or prosecution of criminal offences under national law. Pursuant to that Directive, the competent authorities are empowered to directly access and search only the centralised bank account registries of the Member State that designated those authorities.	
Recital 4				

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14	<p>(4) Directive (EU) YYYY/XX of the European Parliament and of the Council,¹, which replaces Directive 2015/849 of the European Parliament and of the Council², and retains the key features of the system established by that Directive, provides, in addition, that the centralised automated mechanisms are interconnected via the bank account registers (BAR) single access point, to be developed and operated by the Commission. However, under Directive (EU) YYYY/XX only FIUs continue to have direct access to the centralised automated mechanisms, including through the BAR single access point.</p> <p>1. [Reference to new Anti-Money Laundering Directive, once adopted.] 2. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).</p>	<p>(4) Directive (EU) YYYY/XX of the European Parliament and of the Council,¹, which replaces Directive 2015/849 of the European Parliament and of the Council², and retains the key features of the system established by that Directive, provides, in addition, that the centralised automated mechanisms are interconnected via the bank account registers (BAR) single access point, to be developed and operated by the Commission. However, under Directive (EU) YYYY/XX only FIUs continue to have direct access to the centralised automated mechanisms, including through the BAR single access point.</p> <p>1. [Reference to new Anti-Money Laundering Directive, once adopted.] 2. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).</p>	<p>(4) Directive (EU) YYYY/XX of the European Parliament and of the Council,¹, which replaces Directive 2015/849 of the European Parliament and of the Council², and retains the key features of the system established by that Directive, provides, in addition, that the centralised automated mechanisms are interconnected via the bank account registers (BAR) single access point, to be developed and operated by the Commission. However, under Directive (EU) YYYY/XX only FIUs continue to have direct access to the centralised automated mechanisms, including through the BAR single access point.</p> <p>1. [Reference to new Anti-Money Laundering Directive, once adopted.] 2. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).</p>	

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Recital 5				
15	(5) Considering the cross-border nature of organised crime and money laundering as well as the importance of relevant financial information for the purposes of combating criminal activities, including by swiftly tracing, freezing and confiscating illegally obtained assets where possible and appropriate, authorities competent for the prevention, detection, investigation or prosecution of criminal offences designated in accordance with Directive (EU) 2019/1153 should be able to directly access and search the centralised bank account registries of other Member States through the BAR single access point put in place pursuant to Directive (EU) YYYY/XX.	(5) Considering the cross-border nature of organised crime, <u>the financing of terrorism</u> , and money laundering, as well as the importance of relevant financial information for the purposes of combating <u>serious</u> criminal activities <u>offences</u> , including by swiftly tracing, freezing and confiscating illegally obtained assets where possible and appropriate, authorities competent for the prevention, detection, investigation or prosecution of criminal offences designated in accordance with Directive (EU) 2019/1153 should be able to directly access and search the centralised bank account registries of other Member States through the BAR single access point put in place pursuant to Directive (EU) YYYY/XX.	(5) Considering the cross-border nature of organised crime and money laundering as well as the importance of relevant financial information for the purposes of combating criminal activities, including by swiftly tracing, freezing and confiscating illegally obtained assets where possible and appropriate, authorities competent for the prevention, detection, investigation or prosecution of criminal offences designated in accordance with Directive (EU) 2019/1153 should be able to directly access and search the centralised bank account registries of other Member States through the BAR single access point put in place pursuant to Directive (EU) YYYY/XX.	
Recital 6				
16	(6) The safeguards and limitations already established by Directive (EU) 2019/1153 should also apply in respect of the possibilities to	(6) The safeguards and limitations already established by Directive (EU) 2019/1153 should also apply in respect of the possibilities to	(6) The safeguards and limitations already established by Directive (EU) 2019/1153 should also apply in respect of the possibilities to	

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	access and search bank account information, through the BAR single access point, established by the present Directive. These safeguards and limitations include those concerning the limitation to the authorities that have the power to access and search bank account information, the purposes for which the access and search may be conducted, the types of information that are accessible and searchable, requirements applicable to the staff of the designated competent authorities, the security of the data and the logging of access and searches.	access and search bank account information, through the BAR single access point, established by the present Directive. These safeguards and limitations include those concerning the limitation to the authorities that have the power to access and search bank account information, the purposes for which the access and search may be conducted, the types of information that are accessible and searchable <u>while respecting the principle of data minimisation</u> , requirements applicable to the staff of the designated competent authorities, the security of the data and the logging of access and searches.	access and search bank account information, through the BAR single access point, established by the present Directive. These safeguards and limitations include those concerning the limitation to the authorities that have the power to access and search bank account information, the purposes for which the access and search may be conducted, the types of information that are accessible and searchable, requirements applicable to the staff of the designated competent authorities, the security of the data and the logging of access and searches.	
Recital 6a				
16a		<u>(6a) Enabling the competent authorities of one Member State to access and search the centralised bank account registries of other Member States through the BAR single access point is based on the presumption that Member States comply with Union law and respect the rule of law as enshrined in Article 2 of the Treaty on European Union</u>	(6a) Bank statements containing records of financial transactions and transfers (transaction records) carried out through a bank account provide crucial evidence for criminal investigations. However, financial investigations are hampered by the fact that the financial sector provide authorities competent for the	

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		<p><u>and fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union, such as the rights to privacy and to the protection of personal data.</u></p> <p><u>Where data accessed through the BAR single access point are used in the investigation and prosecution of criminal cases, the requirement for Member States to comply with fundamental rights standards and related obligations also entails a duty to ensure that the rights of suspected and accused persons are equally protected, including the right to an effective remedy and to a fair trial, which are essential elements of the area of freedom, security and justice within the Union.</u></p> <p><u>When using the BAR single access point, competent authorities are also to respect the fundamental rights and principles provided for in international law, in international agreements to which the Union or all the Member States are party, including the European Convention on Human Rights and Fundamental Freedoms, and in Member States' constitutions.</u></p>	<p>prevention, detection, investigation or prosecution of criminal offences ("competent authorities") with transaction records in different formats, which are not immediately ready for analysis. Considering the cross-border nature of most investigations into serious criminal offences, the disparity of formats and difficulties of processing transaction records hamper the exchange of information among competent authorities between Member States and the development of cross-border financial investigations. In order to improve the capacity of competent authorities to carry out financial investigations, this Directive sets out measures to ensure that financial and credit institutions across the Union, including crypto-asset service providers, provide transaction records in a format that is easy to process and analyse by competent authorities.</p>	

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Recital 6b				
16b		<p><u>(6b) In a similar fashion to Directive (EU) 2019/1153, and as regards access to and the consultation of bank account information via the BAR single access point, when implementing this Directive, Member States should consider the nature, organisational status, role and prerogatives of the authorities and bodies established under national law as responsible for preventing, detecting, investigating or prosecuting criminal offences, including the existing mechanisms to protect financial systems from money laundering and terrorist financing.</u></p>	<p>(6b) The conditions and procedures under which competent authorities can request transaction records from financial and credit institutions are governed by procedural rules established in national law. The harmonisation of the technical modalities for the provision of transaction records by the financial sector upon request from competent authorities should not affect the national procedural rules and safeguards under which these authorities can request such information.</p>	
16c			<p>(6c) In order to ensure uniform conditions for the provision of transaction records by financial and credit institutions to competent authorities, implementing powers should be conferred on the Commission. Those powers should be</p>	

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			<p>exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L55, 28.2.2011, p. 13).</p>	
Recital 7				
17	<p>(7) Any processing of personal data by the competent authorities in connection with the access and search possibilities established by this Directive is subject to Directive (EU) 2016/680 of the European Parliament and of the Council¹. Therefore, this Directive respects the fundamental rights and observes the principles recognised by Article 6 of the Treaty on European Union and by the Charter of Fundamental Rights of the European Union, in particular the right to respect for one's private and family life and the right to the protection of personal data.</p>	<p>(7) Any processing of personal data by the competent authorities in connection with the access and search possibilities established by this Directive is subject to Directive (EU) 2016/680 of the European Parliament and of the Council¹. Therefore, this Directive respects the fundamental rights and observes the principles recognised by Article 6 of the Treaty on European Union and by the Charter of Fundamental Rights of the European Union, in particular the right to respect for one's private and family life and the right to the protection of personal data.</p>	<p>(7) Any processing of personal data by the competent authorities in connection with the access and search possibilities established by this Directive is subject to Directive (EU) 2016/680 of the European Parliament and of the Council¹. Therefore, this Directive respects the fundamental rights and observes the principles recognised by Article 6 of the Treaty on European Union and by the Charter of Fundamental Rights of the European Union, in particular the right to respect for one's private and family life and the right to the protection of personal data.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89)	1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89)	1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89)	
Recital 8				
18	(8) Given that the objective of this Directive, namely to empower designated authorities competent for the prevention, detection, investigation or prosecution of criminal offences to access and search the centralised bank account registries of other Member States through the BAR single access point established by Directive (EU) YYYY/XX , cannot be sufficiently achieved by Member States, but can be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that	(8) Given that the objective of this Directive, namely to empower designated authorities competent for the prevention, detection, investigation or prosecution of criminal offences to access and search the centralised bank account registries of other Member States through the BAR single access point established by Directive (EU) YYYY/XX , cannot be sufficiently achieved by Member States, but can be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that	(8) Given that the objective of this Directive, namely to empower designated authorities competent for the prevention, detection, investigation or prosecution of criminal offences to access and search the centralised bank account registries of other Member States through the BAR single access point established by Directive (EU) YYYY/XX , cannot be sufficiently achieved by Member States, but can be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that	

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	Article, this Directive does not go beyond what is necessary in order to achieve this objective.	Article, this Directive does not go beyond what is necessary in order to achieve this objective.	Article, this Directive does not go beyond what is necessary in order to achieve this objective.	
Recital 9				
19	(9) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Directive.]	(9) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Directive.]	(9) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Directive.]	
Recital 9, point				
20	[or In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by	[or In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by	[or In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by	

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	it or subject to its application.]	it or subject to its application.]	it or subject to its application.]	
Recital 10				
21	(10) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(10) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(10) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	
Recital 11				
22	(11) Directive (EU) 2019/1153 should therefore be amended accordingly.	(11) Directive (EU) 2019/1153 should therefore be amended accordingly.	(11) Directive (EU) 2019/1153 should therefore be amended accordingly.	
Recital 12				
23	(12) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ¹ [and delivered an opinion on XX 2021], _____	(12) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ¹ and delivered an opinion on XX 2021 <u>and delivered its comments on 6 September 2021.</u>	(12) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ¹ [and delivered an opinion on XX 2021], _____	

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	1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).	1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).	1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).	
Formula				
24	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	
24a			Article 1	
24b			Article 1 of Directive (EU) 2019/1153 is amended as follows:	
24c			1. Paragraph 1 is amended as follows:	

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24d			<p>1. This Directive lays down measures to facilitate access to and the use of financial information and bank account information by competent authorities for the prevention, detection, investigation or prosecution of serious criminal offences. It also lays down measures to facilitate access to law enforcement information by Financial Intelligence Units ('FIUs') for the prevention and combating of money laundering, associate predicate offences and terrorist financing and measures to facilitate cooperation between FIUs. Furthermore, it lays down technical measures to facilitate the use of transaction records by FIUs and competent authorities for the prevention, detection, investigation or prosecution of serious criminal offences.</p>	
24e			<p>2. In paragraph 2, the following point is added:</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
24f			(e) procedures under national law under which FIUs and authorities responsible for the prevention, detection, investigation or prosecution of serious criminal offences can require financial and credit institutions to provide transaction records, including the time-limits for transmitting such information.	
24g			Article 2	
24h			In article 2 of Directive (EU) 2019/1153, the following point (7a) is inserted after point (7):	
24i			(7a) ‘transaction records’ means the details of operations which have been carried out during a defined period through a	

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			specified payment account, a bank account identified by IBAN, as defined by Regulation (EU) No 260/2012 of the European Parliament and of the Council, or a crypto-asset wallet, and which are to be made available upon request to competent authorities or FIUs according to the applicable legal framework.	
Article 1				
25	Article 1	Article 1	Article 13	
Article 1, first paragraph				
26	In Article 4 of Directive (EU) 2019/1153, the following paragraph is inserted:	In Article 4 of Directive (EU) 2019/1153, the following paragraph is inserted:	In Article 4 of Directive (EU) 2019/1153, the following paragraph is inserted:	
Article 1, first paragraph, amending provision, first paragraph				
27	“ 1a. Member States shall ensure that the competent national authorities designated pursuant to Article 3(1) have the power to access and search, directly and	“ 1a. Member States shall ensure that the competent national authorities designated pursuant to Article 3(1) have the power to access and search, directly and	“ 1a. Member States shall ensure that the competent national authorities designated pursuant to Article 3(1) have the power to access and search, directly and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>immediately, bank account information in other Member States available through the bank account registers (BAR) single access point put in place pursuant to Article XX of Directive (EU) YYYY/XX [the new Anti-Money Laundering Directive] when necessary for the performance of their tasks for the purposes of preventing, detecting, investigating or prosecuting a serious criminal offence or supporting a criminal investigation concerning a serious criminal offence, including the identification, tracing and freezing of the assets related to such investigation..</p> <p>”</p>	<p>immediately, bank account information in other Member States available through the bank account registers (BAR) single access point put in place pursuant to Article XX of Directive (EU) YYYY/XX [the new Anti-Money Laundering Directive] when<u>where</u> <u>those competent authorities have justified reasons to consider that there might be relevant bank account information in other Member States which is</u> necessary for the performance of their tasks for the purposes of preventing, detecting, investigating or prosecuting a serious criminal offence or supporting a criminal investigation concerning a serious criminal offence, including the identification, tracing and freezing of the assets related to such investigation.</p> <p><u>Data gathered as a result of accessing or searching bank account information through the BAR single access point under the first subparagraph shall be adequate and relevant for the purposes for which they are sought and shall not be excessive for those purposes. Member States shall ensure that the competent</u></p>	<p>immediately, bank account information in other Member States available through the bank account registers (BAR) single access point put in place pursuant to Article XX of -Directive (EU) YYYY/XX [<i>the new Anti-Money Laundering Directive</i>the new Anti Money Laundering Directive] when necessary for the performance of their tasks for the purposes of preventing, detecting, investigating or prosecuting a serious criminal offence or supporting a criminal investigation concerning a serious criminal offence, including the identification, tracing and freezing of the assets related to such investigation. The second sentence of paragraph 1 of this Article applies mutatis mutandis.</p> <p>”</p>	

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		<p><u>authorities can only conduct searches as provided for in the first subparagraph provided that the competent national authorities would be able to conduct such searches in the national registry under the same conditions in a similar domestic case.</u></p> <p><u>Information obtained by means of accessing and searching the BAR single access point shall be used only for the purpose for which it was sought.</u></p> <p><u>Member States shall ensure that, when the competent national authorities they have designated pursuant to Article 3(1) access and search for information in other Member States available through the BAR single point of access, those competent authorities respect the procedural rights of individuals and comply with Union and national rules on the protection of personal data.</u></p> <p><u>Member States shall ensure that the staff of the designated competent authorities having access through the BAR single access point maintain high professional standards of confidentiality and data protection, are of high integrity</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>and are appropriately skilled.</u> ”		
Article 1b				
27a		<p><u>Article 1b</u> <u>The following Article Xa¹ is inserted²:</u></p> <p><u>1. Exact place in the proposal to be determined later.</u></p> <p><u>2. This article shall integrate the substance of the provisions of the EP mandate on on the proposal for a regulation of the European Parliament and of the Council establishing the Authority for Anti-Money Laundering and Countering the Financing of Terrorism and amending Regulations (EU) No 1093/2010, (EU) 1094/2010, (EU) 1095/2010 (COM(2021)0421 – C9 0340/2021 – 2021/0240(COD)), Article 33, paragraph 1b, 2b, 2c</u></p>		
27b			Article 4	
27c			The title of CHAPTER II of	

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			Directive (EU) 2019/1153 is amended as follows:	
27d			ACCESS BY COMPETENT AUTHORITIES TO BANK ACCOUNT INFORMATION, AND THE FORMAT OF TRANSACTION RECORDS	
27e			The following Articles 6a and 6b are inserted after article 6 of Directive (EU) 2019/1153:	
27f			"Article 6a Transaction records	
27g			Member States shall ensure that financial and credit institutions, including crypto-asset service providers, comply with the technical specifications established in accordance with	

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			article 6b when replying, in accordance with national legislation, to requests for transaction records issued by competent authorities or FIUs within a criminal investigation or preparation of financial analysis, including the identification, tracing and freezing of the assets related to such investigation.	
27h			Article 6b [description of the implementing acts]	
27i			The Commission is empowered to adopt, by means of implementing acts, technical specifications and means in order to establish the electronic structured format to be used for providing transaction records.	
27j			When adopting the implementing act, the	

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			Commission will consider the development of relevant financial services messaging standards.	
27k			Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article X."	
27l			The following Article X ¹ is inserted: 1. [1] Exact place in the proposal to be determined later.	
27m			"Article X Committee procedure	
27n			The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(EU) No 182/2011."	
Article 2				
28	Article 2	Article 2	Article 2 5	
Article 2(1), first subparagraph				
29	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [XXYY] [transposition period to be aligned with the application date set by the new Anti-Money Laundering Directive for the application of the provisions for interconnecting the centralised automated mechanism] at the latest. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [XXYY] [transposition period to be aligned with the application date set by the new Anti-Money Laundering Directive for the application of the provisions for interconnecting the centralised automated mechanism] at the latest. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [XXYY] [transposition period to be aligned with the application date set by the new Anti-Money Laundering Directive for the application of the provisions for interconnecting the centralised automated mechanism] at the latest. They shall forthwith communicate to the Commission the text of those provisions.	
Article 2(1), second subparagraph				
30	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	publication. Member States shall determine how such reference is to be made.	publication. Member States shall determine how such reference is to be made.	publication. Member States shall determine how such reference is to be made.	
Article 2(2)				
31	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	
Article 3				
32	Article 3	Article 3	Article 3 6	
Article 3, first paragraph				
33	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
Article 4				
34	Article 4	Article 4	Article 4 7	
Article 4, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
35	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties.	
Formula				
36	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
37	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
38	The President	The President	The President	
Formula				
39	For the Council	For the Council	For the Council	
Formula				
40	The President	The President	The President	