

# 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

2022/0398(COD)

DRAFT [VURM Draft 4CT - following ITM 5 of 23102023]

23-10-2023 at 16h12


	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Formula				
1	2022/0398 (COD)	2022/0398 (COD)	2022/0398 (COD)	Council to revert Commission to revert DLA check EP to revert
Proposal Title				
2	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	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	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	
Formula				
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				

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	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 83(1) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 83(1) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 83(1) thereof,	
Citation 1a				
4a		<u><a href="#">Having regard to Council Decision (EU) 2022/2322 of 28 November 2022 on identifying the violation of Union restrictive measures as an area of crime that meets the criteria specified in Article 83(1) of the Treaty on the Functioning of the European Union, and in particular Article 1 thereof,</a></u>		
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	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	


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	Formula			
8	Whereas:	Whereas:	Whereas:	
	Recital 1			
9	(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.	(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.	(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 <u>common</u> minimum rules concerning the definition of criminal offences and penalties with regard to the violation of those Union restrictive measures.	(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.  Text Origin: Commission Proposal TM4 09102023
	Recital 2			
10	(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	(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 <u>and financial</u> measures and arms embargoes, are an essential	(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	(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 <u>and financial</u> measures and arms embargoes, are an essential

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	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.	tool for the promotion of the objectives of the Common Foreign and Security Policy ( <u>'CFSP'</u> ), 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 <del>maintaining</del> <u>preserving</u> international peace, preventing conflicts and strengthening international security in <del>line</del> <u>accordance</u> with the aims and principles of the United Nations Charter.	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.	tool for the promotion of the objectives of the Common Foreign and Security Policy ( <u>'CFSP'</u> ), 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 <del>maintaining</del> <u>preserving</u> international peace, preventing conflicts and strengthening international security in <del>line</del> <u>accordance</u> with the aims and principles of the United Nations Charter.  Text Origin: Council Mandate TM4 09102023
Recital 3				
11	(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.	(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.	(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 <u>natural or legal persons who violate or breach</u> <del>the violation of</del> those Union restrictive measures, including obligations, such as <u>transparency and information</u> reporting, established therein. It is also	CON to revert back on the second sentence, EP ok to keep COM proposal for the first sentence  Council to revert  TM4 09102023

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			necessary that those penalties address the circumvention of Union restrictive measures.	
Recital 4				
12	<p>(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.</p>	<p>(4) The effective application of Union restrictive measures calls for common <del>criminal</del> <u>minimum rules concerning the</u> definitions of <u>criminal</u> conduct <del>infringing</del> <u>violating prohibitions and obligations included in</u> Union restrictive measures. Member States should ensure that this conduct constitutes a criminal offence when committed with intent, <u>in so far as it amounts to an infringement of a prohibition or an obligation set out in a Union restrictive measure or set out in a national provision implementing a Union restrictive measure, where national implementation of these measures is required. The Directive should cover only</u> <del>as well as with serious negligence, in case the natural or legal person knew or</del> <u>violations. Thus, it should not apply to violations involving funds, economic resources, goods, services, transactions or activities of a value of less than EUR 10 000. Furthermore, minor cases of violations related to travel bans should have known, that be excluded from its scope. The notion of minor</u></p>	<p>(4) The effective application of Union restrictive measures calls for common criminal definitions of conduct <del>infringing</del> <u>violating</u> Union restrictive measures. Member States should ensure that <del>this</del> <u>that</u> conduct constitutes a criminal offence when committed with intent <del>as well as with serious</del> <u>or with</u> negligence, <del>in case</del> <u>where</u> the natural or legal person knew or should have known, that their conduct would <del>infringe</del> <u>violate</u> Union restrictive measures.</p>	

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		<p><u>cases is to be interpreted in accordance with national law. As this Directive establishes only minimum rules, Member States may decide whether to extend their national criminal law to such conduct. The exclusion of certain violations from the scope of this Directive does not affect any obligations set out in</u><del>would infringe</del> Union restrictive measures <u>to ensure that violations are punishable by effective, proportionate and dissuasive criminal or other sanctions.</u></p>		
Recital 4a				
12a		<p><u>(4a) Union restrictive measures may provide for exceptions in the form of exemptions or derogations from the prohibitions laid down therein. These are of particular importance for example for the delivery of humanitarian aid. A conduct either covered by an exemption provided for in a Union restrictive measure or authorised by the competent authorities of the Member States by means of a derogation in accordance with a Union restrictive measure should not be regarded as a violation of a Union restrictive measure. In implementing this Directive, Member States will take into</u></p>		

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		<u>account that, in line with international humanitarian law, the law of armed conflict and restrictive measures, the implementing rules should not prevent the delivery of humanitarian aid in line with principles of impartiality, humanity, neutrality and independence.</u>	PUBLIC		
Recital 4b					
12b		<u>(4b) In particular, the effective application of Union restrictive measures calls for common minimum rules for the violations of asset freeze measures as laid down in the relevant Council Regulations. These measures include the prohibition to make funds or economic resources available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies subject to asset freeze measures, as well as the obligation to freeze all funds and economic resources belonging to, owned, held or controlled by the same persons, entities or bodies.</u>			
Recital 4a					
12c		<u>(4c) Union restrictive measures also lay down restrictions on admission (travel bans) which should be covered by this Directive.</u>		EP proposal: (4c) Union restrictive measures also lay down restrictions on admission (travel bans) which should be	

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		<p><u>Such measures, usually laid down in a Council Decision adopted on the basis of Article 29 TEU and implemented by means of national law, require Member States to take the necessary measures to prevent the entry into, or transit through, their territories of the natural persons who are subject to Union restrictive measures.</u></p>		<p>covered by this Directive. Such measures, usually laid down in a Council Decision adopted on the basis of Article 29 TEU and implemented by means of national law, require Member States to take the necessary measures to prevent the entry into, or transit through, their territories of the natural persons who are subject to Union restrictive measures. The prevention of entry, or transit would also apply to international transit areas, which are part of the territory of the Member States and under their full jurisdiction, and thus these zones fall under the principle of territoriality of this Directive.</p> <p>Council to revert</p> <p>TM5 23102023</p>
Recital 4d				
12d		<p><u>(4d) Entering into or continuing any form of transactions, including but not limited to financial transactions as well as the award or continued execution of any public or concession contract falling within the scope of the public procurements Directives, with a third State, bodies of a third State, entities and bodies owned or controlled by a third State or bodies of a third State, should also constitute a criminal offence, to the extent it is prohibited by a Union</u></p>		



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		<u>restrictive measure.</u>		
Recital 4e				
12e		<u>(4e) In addition, rules on the prohibition of trading, importing, exporting, selling, purchasing, transferring, transiting or transporting goods or services are called for. The violation of such prohibitions, as well as the provision, directly or indirectly, of technical assistance, brokering services, insurance, and any other service related to these goods or services should constitute a criminal offence. For this purpose, the notion of goods includes items, such as military technology and equipment, goods, software and technology, which are included in the Common Military List of the European Union or are listed in Annexes I and IV to Regulation (EU) 2021/821.</u>		
Recital 4f				
12f		<u>(4f) In addition, other rules on sectoral economic and financial measures adopted under the CFSP are called for. These refer to rules on the provision of financial services or the performance of financial activities which are</u>		


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		<u>prohibited or restricted by Union restrictive measures. Such financial services and activities include but are not limited to financing and financial assistance, providing investment and investment services, issuing transferrable securities and money market instruments, accepting deposits, providing specialised financial messaging services, dealing in banknotes, providing credit rating services, and providing crypto assets and wallets.</u>	PUBLIC		
Recital 4g					
12g		<u>(4g) These measures also refer to rules on the provision of other services which are prohibited or restricted by Union restrictive measures. Such services include but are not limited to the provision of legal advisory services, trust services, public relations services, accounting, auditing, bookkeeping and tax consulting services, business and management consulting, IT consulting, broadcasting, architectural and engineering services.</u>			
Recital 4b					
12h				<u>(4b) None of the provisions of this Directive should be understood as</u>	

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				<p><u>imposing any obligations on natural persons that would prejudice the right not to incriminate oneself and to remain silent, as enshrined in Article 7 of Directive (EU) 2016/343, for the Member States bound by it, and Article 48 of the Charter of Fundamental Rights of the European Union.</u></p> <p>TM4 09102023 TM5 23102023</p>
Recital 5				
13	(5) The effective application of Union restrictive measures also calls for common criminal definitions of conduct circumventing a Union restrictive measure.	(5) The effective application of Union restrictive measures also calls for common <u>minimum rules concerning the</u> criminal definitions of conduct circumventing a Union restrictive measure.	(5) The effective application of Union restrictive measures also calls for common criminal definitions of conduct circumventing a Union restrictive measure.	
Recital 6				
14	(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	(6) <u>An example of circumvention that is increasingly widespread is the practice by designated</u> persons, <u>and</u> entities <del>and bodies, which are designated individually in Union restrictive measures and subject to those</del> <u>of transferring funds, property or economic resources to a third party with a view to circumventing</u> Union restrictive measures.	(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 <del>and, or</del> accomplices <u>of violations or circumventions of such measures</u> . For instance, the practice by designated persons and entities of transferring funds,	

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	to circumvent Union restrictive measures is increasingly widespread. Therefore, this conduct is covered by the circumvention offence approximated by this Directive.	<p><u>Therefore, when committed by designated natural persons or by representatives of designated entities or bodies this conduct is covered by the circumvention offence approximated by this Directive. Furthermore, the practice of providing false or misleading information, 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 concealing that a designated person, entity or body is the ultimate owner or beneficiary of funds or economic resources subject to</u> Union restrictive measures <u>is increasingly widespread also amounts to a circumvention of Union restrictive measures.</u></p> <p>Therefore, this conduct is covered by the circumvention offence approximated by this Directive.</p>	property or economic resources to a third party with a view to circumvent Union restrictive measures is increasingly widespread <u>and needs to be addressed since it undermines the effectiveness of Union restrictive measures.</u> Therefore, this conduct is covered by the circumvention offence approximated by this Directive.	
Recital 6a				
14a			<p><u>(6a) The circumvention of sectoral economic and financial measures should also be addressed. Therefore, conduct under the cover of a formal appearance which enables the avoidance of the constituent elements of a violation,</u></p>	

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			<i>but has the same effects, should be covered by the circumvention offence approximated by this Directive, when committed intentionally. Such conduct may in particular occur by the concealment of goods, transactions, services or activities subject to a Union restrictive measure, or information about them, for instance in situations where a natural or legal person exports goods to a third country with the knowledge that such goods will be transferred to a final destination to which their export is prohibited by a Union restrictive measure.</i>	
Recital 6a				
14b		<i>(6a) Failure to comply with the reporting and cooperation obligations should also be covered by the circumvention offence, to the extent that a corresponding obligation to report and cooperate with the competent administrative authorities is laid down by a Union restrictive measure.</i>		
Recital 6b				
14c			<i>(6b) The violation of Union restrictive measures is often linked to other criminal activities and most</i>	

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			<p><u>notably motivated by considerations of financial gain. While generating profits, the circumvention of restrictive measures enables the continued use of assets. It undermines the objectives and effectiveness of those restrictive measures and hence needs to be addressed. 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.</u></p>	
Recital 6b				
14d		<p><u>(6c) The effective application of Union restrictive measures furthermore calls for common minimum rules concerning the criminal law definition of conduct breaching or failing to fulfil the specific conditions under</u></p>		

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		<u>authorisations granted by the competent authorities to conduct certain activities, which in the absence of such an authorization are prohibited or restricted under a Union restrictive measure. Any activity conducted in the absence of an authorisation would instead constitute a violation of such measures and, as appropriate, could be considered as a breach of asset freeze measures, travel bans, arm embargoes or other sectoral economic and financial measures.</u>		
Recital 7				
15	<p>(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.</p> <p>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</p>	<p>(7) Legal professionals, as defined by the Member States, should be subject to this Directive, <del>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.</del></p> <p><del>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</del></p>	<p>(7) Legal professionals, as defined by the Member States, <u>as well as providers of other professional services, such as accountants, tax advisors, financial and trade advisers, real estate agents and migration consultancies advising on residence by investment and citizenship by investment, amongst others</u>, 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, <del>such as legal, financial and trade services.</del></p> <p>Experience shows that there is a clear risk of the services of those legal professionals being misused for</p>	

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	<p>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.</p>	<p><del>or after-</del> <u>There should, however, be exemptions from any obligation to report information that they receive from, or is obtained from, one of their clients, in the course of ascertaining their legal position or performing the task of defending or representing that client in, or concerning,</u> judicial proceedings, <del>or in the course of ascertaining the legal position of a client</del> <u>including providing advice on instituting or avoiding such proceedings.</u> Therefore, <u>such</u> legal advice <del>in those circumstances</del> 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. <del>Knowledge can be inferred from objective factual circumstances.</del></p>	<p>the purpose of violating Union restrictive measures. <u>For legal professionals,</u> 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. <u>Information which is obtained by legal professionals</u> or in the course of ascertaining the legal position of a client <u>should be covered by legal privilege.</u> 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 <u>or has a well-grounded suspicion on the basis of factual circumstances</u> that the client is seeking legal advice for the purposes of violating Union restrictive measures. Knowledge can be inferred from objective factual circumstances.</p>	
Recital 8				
16	(8) The effective application of Union restrictive measures	deleted	(8) The effective application of Union restrictive measures	




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	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.		furthermore calls for a common criminal law definition of <del>conduct</del> <u>intentionally</u> 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.	
Recital 8a				
16a			<u>(8a) Member States should make easily accessible and detailed guidelines on compliance with Union restrictive measures, including detailed information on, inter alia, matters of compliance and enforcement standards.</u>	
Recital 8b				
16b			<u>(8b) When applying measures aimed at preventing the violation or circumvention of Union restrictive measures, credit and financial institutions should ensure that clients are not discriminated against or unduly excluded from access to financial services.</u>	
Recital 9				
17	(9) It is appropriate to exclude from		(9) It is appropriate to exclude from	


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	<p>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.</p>	<p><i>deleted</i></p>	<p>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, <u>and in line with international humanitarian law</u>, it is appropriate to exclude from criminalisation the delivery of humanitarian <u>assistance or activities that support basic human needs by providers of humanitarian services, such as the United Nations</u>, <del>aid to persons in need. Such humanitarian aid must be provided strictly in accordance with international</del><u>organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations, bilaterally or multilaterally funded non-governmental organisations participating in the United Nations</u> Humanitarian <del>law and can notably consist of food and nutrition, shelter, health care, water and sanitation</del><u>Response Plans, Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United</u></p>	


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			<p><u>Nations Office for the Coordination of Humanitarian Affairs (OCHA), public bodies or legal persons, entities or bodies which receive public funding from the Union or from Member States to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs for the civilian population, organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures, Member States' specialised agencies, and their employees, grantees, subsidiaries, or implementing partners and organisations specified in relevant EU sanctions decisions. Such humanitarian assistance must be provided strictly in accordance with international humanitarian law.</u></p> <p>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 <del>aid</del> <u>assistance</u> in line with principles of impartiality, humanity, neutrality and independence.</p>	
Recital 10				

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18	(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.	(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 <del>should</del> <u>may</u> include fines, taking into account that the violation of Union restrictive measures is mostly motivated by economic considerations.	(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. <u>Fines should be 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 authorizations 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.</u>	
Recital 10a				
18a		<u>(10a) Inciting, aiding and abetting.</u>		

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		<u>and attempt to commit offences under the Directive should also be criminalised.</u>		
Recital 11				
19	<p>(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.</p>	<p>(11) Given that legal persons are also subject to Union restrictive measures, legal persons should also be held <del>criminally</del>-liable for offences related to the violation of Union restrictive measures <del>according to as</del> <u>defined in this Directive. Legal persons are thereby understood as any legal entity having such status under the applicable law, except for States or public bodies exercising State authority and for public international organisations. Member States whose national law provides for the criminal liability of legal persons should ensure that their national laws provide for effective, dissuasive and proportionate criminal sanction types and levels as laid down in</u> this Directive <u>in order to achieve its objectives</u>. Member States whose national law does not provide for the criminal liability of legal persons should ensure that their <del>administrative sanctioning systems</del> <u>national laws</u> provide for effective, dissuasive and proportionate <u>non-criminal</u> penalty types and levels, <u>as laid down in this</u></p>	<p>(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 <del>penalty</del> <u>sanction</u> types and levels.</p>	

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		<p><u>Directive in order to achieve its objectives. The maximum levels of fines provided for in this Directive for the offences referred to therein should apply at least to the most serious forms of such offences. The seriousness of the conduct, as well as the individual, financial and other circumstances of the legal persons, should be taken into account to ensure the effectiveness, dissuasiveness and proportionality of the sanction imposed. With regard to maximum levels of fines in national law, Member States may either use a percentage of the total worldwide turnover of the legal person concerned, or they may determine the maximum level of fines in absolute amounts. Member States should decide which alternative they choose when transposing this Directive.</u></p>		
Recital 11a				
19a		<p><u>(11a) Where, with regards to the determination of fines to be imposed on legal persons, Member States opt to implement the criterion of the total worldwide turnover of a legal person, they should decide whether to calculate the total worldwide turnover based on either the business year preceding the one in which the</u></p>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p><u>offence was committed, or the business year preceding the fining decision, when transposing this Directive. They should also consider providing for rules for cases where it is not possible to determine the amount of a fine on the basis of the total worldwide turnover of the legal person in the business year preceding the one in which the offence was committed, or in the business year preceding the fining decision. In such cases, it should be possible to take into account other criteria, such as the total worldwide turnover in one of the other preceding business years. Where those rules include the setting of amounts of fines in absolute numbers, then the maximum levels of these should not have to reach the levels established in this Directive as the minimum requirement for the maximum level of fines determined in absolute amounts.</u></p>		
Recital 11b				
19b		<p><u>(11b) Where Member States opt for maximum level of fines determined in absolute amounts, such levels should be laid down in national law. The highest levels of such fines should apply to the most serious forms of offences provided for in</u></p>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p><u>this Directive, which are committed by financially strong legal persons. Member States may decide on the method of calculation of those levels of fines including specific conditions for the highest levels of those fines. Member States should be invited to regularly review the levels of fines determined in absolute amounts with regard to rates of inflation and other fluctuations in monetary value, in line with procedures set out in their national law. Member States that do not have the euro as their currency should provide for maximum levels of fines in their currency corresponding to the levels determined in this Directive in euro on the date of adoption of this Directive. Those Member States are invited to regularly review the levels also with regard to the development of the exchange rate.</u></p>		
Recital 11c				
19c		<p><u>(11c) The definition of the maximum level of fines is without prejudice to the discretion of judges or courts in criminal proceedings to impose appropriate sanctions in the individual cases. As this Directive does not set out any minimum levels of fines, the judges or courts should, in any case, impose</u></p>		



	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>appropriate sanctions taking into account the individual, financial and other circumstances of the legal person concerned and the seriousness of the conduct. While the maximum level of fine provided for the respective criminal offence by this Directive should be taken into account, the actual fine imposed in an individual case should not have to reach the maximum level of fine determined by this Directive.</u>	PUBLIC	

#### Recital 12

20	(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	(12) A further approximation and effectiveness of level of penalties imposed in practice should be fostered through common aggravating circumstances that, <u>in accordance with relevant provisions of national law</u> , 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	(12) A further approximation and effectiveness of level of penalties imposed in practice should be fostered through common aggravating circumstances that <u>increase the criminal responsibility of the individual and</u> reflect the severity of the crime committed. The notion of aggravating circumstances should be understood either as <u>circumstances surrounding the commission of an offence and</u> <del>facts</del> 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	<p>EP proposal for the last part of recital 12: Member States should take the necessary measures to ensure that, in the assessment of mitigating circumstances, 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 - related to line 121b</p> <p>new draft?</p> <p>Commission to revert</p> <p>TM5 23102023</p>
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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	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.	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.	the possibility <del>of at least one</del> 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.	
Recital 13				
21	(13) Member States should also ensure that in situations where the offender provides the competent authorities with information they would not otherwise have been able to obtain, helping them to identify or bring to justice other offenders or to find evidence, such conduct may be regarded as mitigating circumstance.	(13) Member States <del>should</del> <u>may</u> also ensure, <u>in accordance with relevant provisions of national law</u> , that in situations where the offender provides the competent authorities with information they would not otherwise have been able to obtain, helping them to identify or bring to justice other offenders or to find evidence, such conduct may be regarded as mitigating circumstance.	(13) Member States should also ensure that in situations where the offender provides the competent authorities with information they would not otherwise have been able to obtain, helping them to identify or bring to justice other offenders or to find evidence, such conduct may be regarded as mitigating circumstance.	
Recital 14				
22	(14) The freezing of funds and of economic resources imposed by Union restrictive measures is of an administrative nature. As such it should be distinguished from freezing measures of a criminal nature referred to in Directive (EU) [.../...] [Directive on asset recovery	(14) The freezing of funds and of economic resources imposed by Union restrictive measures is of an administrative nature. As such it should be distinguished from freezing measures of a criminal nature, <u>as</u> referred to in Directive (EU) [.../...] [ <del>Directive on asset</del>	(14) The freezing of funds and of economic resources imposed by Union restrictive measures is of an administrative nature. As such it should be distinguished from freezing measures of a criminal nature referred to in Directive (EU) [.../...] [Directive on asset recovery	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	and confiscation].	<del>recovery</del> <u>2014/42/EU. Member States should enable the freezing and confiscation of instrumentalities and proceeds from the offences referred to in this Directive. Member States bound by Directive 2014/42/EU should do so in accordance with that Directive.</u>	and confiscation].	
Recital 15				
23	(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	(15) <del>There is a need to clarify the concept of proceeds</del> <u>In addition, specifically in situations in which the designated person, or the representative of a designated entity or body, commits or participates in certain offences concerning the circumvention of a Union restrictive measure:</u> (i) <del>concealing funds</del> <u>transferring funds</u> or economic resources owned, held, or controlled by a designated person, entity or body, which <del>should be frozen</del> <u>should be frozen</u> in accordance with a Union restrictive <del>measure, by the transfer of those funds, or economic resources;</del> <u>measure to a third party to conceal those funds, or economic resources;</u> <u>or (ii) providing false or misleading information, to conceal</u> <del>to a third party; or (ii) concealing</del> the fact that a <u>designated</u> person, entity or body <del>subject to restrictive measures</del> <u>is the ultimate owner or beneficiary of funds or economic resources</u> <u>there is a need to enable the freezing and</u>	(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	recital 15 (line 23) : providing false or misleading information, including relevant incomplete information, to conceal the fact that a designated person, entity or body is the ultimate owner or beneficiary of funds or economic resources TM5 23102023

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	<p>which have been concealed. Such funds or economic resources should therefore be considered as proceeds of crime for the purposes of 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.</p>	<p><u>confiscation of funds and economic resources <i>subject to Union restrictive measures, even where they may not constitute instrumentalities or proceeds under Directive 2014/42/EU, through the provision of false or incomplete information.</i></u> In those circumstances, as a consequence of the conduct of concealing, the designated person, entity <del>or</del> 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 <i>considered as proceeds of crime for the purposes of 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</i><u>subject to freezing and confiscation, in accordance with the safeguards, including the respect for the principle of proportionality in individual cases, set out in Directive 2014/42/EU. The rights of bona fide third parties should not be prejudiced.</u></p>	<p>which have been concealed. Such funds or economic resources should therefore be considered as proceeds of crime for the purposes of 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.</p>	
Recital 16				
24	(16) Given, in particular, the global	(16) Given, in particular, the global	(16) Given, in particular, the global	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	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.	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.	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 <u>quickly, consistently and</u> effectively.	
Recital 17				
25	(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.	(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. <u>Where Member States are permitted to derogate from the limitation periods, provided that the period may be interrupted or suspended in the event of specified acts, such acts may be defined in accordance with the legal system of each Member State.</u>	(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.	
Recital 18				
26	(18) To ensure an effective, integrated and coherent enforcement system, Member States should	(18) To ensure an effective, integrated and coherent enforcement system, Member States should	(18) To ensure an effective, <u>transparent</u> , integrated and coherent enforcement system, Member States	


	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	organise internal cooperation and communication between all actors along the administrative and criminal enforcement chains.	organise internal cooperation and communication between all actors along the administrative and criminal enforcement chains.	should organise internal cooperation and communication between all actors along the administrative and criminal enforcement chains, <u>in full compliance with Member States' national rules on criminal proceedings, as well as with the Charter of Fundamental Rights of the European Union (the Charter) and with the Member State's obligations under Article 6 TEU.</u>	
Recital 19				
27	(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.	<i>deleted</i>	(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). <u>The Commission should establish a permanent network of experts and practitioners to</u> <del>These competent authorities should also share information among each other and with the Commission on practical issues</del> <u>best practices and provide technical and operational support in order to facilitate the coordination of investigations and prosecutions by Member States' competent authorities, Europol, Eurojust, the EPPO, and the European Anti-Fraud Office.</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Recital 19a				
27a			<p><u>(19a) For the purposes of this Directive, 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 organization or criminal offences inextricably linked to offences referred to in Article 22(2) and (3) of Regulation (EU) 2017/1939. In order to optimize criminal prosecution and the effective application of sanctions for any violation or circumvention of Union restrictive measures, it is necessary to extend the EPPO's current competences, including the criminal offences covered by this Directive. Furthermore, all Member States should participate in the EPPO to make it more efficient.</u></p>	



	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Recital 20				
28	<p>(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 Council<sup>1</sup> is applicable to the reporting of violations of Union restrictive measures and to the protection of persons reporting such violations.</p> <p><sup>1</sup>. 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.</p>	<p>(20) <del>Whistleblowers can provide valuable</del> <u>Persons referred to in Article 4 of Directive (EU) 2019/1937 of the European Parliament and of the Council<sup>1</sup> reporting</u> information to competent authorities concerning past, ongoing or planned violations of Union restrictive measures, including attempts to circumvent them, <u>which they have acquired in the context of their work-related activities, risk suffering retaliation in that context.</u> <u>Such whistleblowers' reports can strengthen enforcement by providing information related.</u> <del>This information can relate</del>, 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 <u>use confidential channels, to</u> alert the competent authorities and to protect them from retaliation. For that purpose, it should be provided that Directive (EU) 2019/1937 <del>of the European Parliament and of the Council<sup>1</sup></del> is applicable to the reporting of violations of Union restrictive</p>	<p>(20) Whistleblowers can <u>be crucial in providing</u> <del>provide</del> 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 <u>vital</u> facts concerning violations of Union restrictive measures, their circumstances <del>and</del>, 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 Council<sup>1</sup> is applicable to the reporting of violations of Union restrictive measures and to the protection of persons reporting such violations.</p> <p><sup>1</sup>. <u>[1]</u> 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, <u>[OJ L 305, 26.11.2019, p. 17–56]</u>.</p>	<p>(20) <del>Whistleblowers can provide valuable</del> <u>Persons referred to in Article 4 of Directive (EU) 2019/1937 of the European Parliament and of the Council<sup>1</sup> reporting</u> information to competent authorities concerning past, ongoing or planned violations of Union restrictive measures, including attempts to circumvent them, <u>which they have acquired in the context of their work-related activities, risk suffering retaliation in that context.</u> <u>Such whistleblowers' reports can strengthen enforcement by providing information related.</u> <del>This information can relate</del>, 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 <u>use confidential channels, to</u> alert the competent authorities and to protect them from retaliation. For that purpose, it should be provided that Directive (EU) 2019/1937 <del>of the European Parliament and of the Council<sup>1</sup></del> is applicable to the reporting of violations of Union restrictive</p>



	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p>measures and to the protection of persons reporting such violations, <u>under the conditions established therein</u>.</p> <p>1. 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.</p>		<p>measures and to the protection of persons reporting such violations, <u>under the conditions established therein</u>.</p> <p>1. 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.</p> <p>Text Origin: Council Mandate TM4 09102023</p>
Recital 21				
29	<p>(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.</p>	<p>(21) To ensure the effective investigation and prosecution of violations of Union restrictive measures, those responsible for investigating or prosecuting these <del>measures</del> <u>offences</u> should have the possibility of using investigative tools, <u>if and to the extent that the use of these tools is appropriate and proportionate to the nature and gravity of the offences as defined in national law. Where those offences could be considered serious according to national law, and within the criminal category of violation of restrictive measures, investigative tools</u> such as those which are used in combating organised crime or other serious crimes <u>should be available</u>. The use of such tools, in accordance with</p>	<p>(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 <del>take into account the principle of</del> <u>comply with the principles of necessity and</u> proportionality and the nature and seriousness of the offences under investigation as well as respecting the right to the protection of personal data.</p>	<p>COM to check the related recital in envicrime</p> <p>Commission to revert</p> <p>TM4 09102023</p>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement	
		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 <del>respecting</del> <u>respect</u> the right to the protection of personal data.	PUBLIC		
Recital 21a					
29a		<u>(21a) 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), within their respective competences and in accordance with the applicable legal framework. These competent authorities should also share information among each other and with the Commission on practical issues.</u>			
Recital 22					
30	(22) An amendment to Directive (EU) 2018/1673 on combatting money laundering by criminal law <sup>1</sup> should ensure that the violation of Union restrictive measures will be considered a predicate offence for	(22) An amendment to Directive (EU) 2018/1673 on combatting money laundering by criminal law <sup>1</sup> should ensure that the violation of Union restrictive measures will be considered a predicate offence for	(22) An amendment to Directive (EU) 2018/1673 on combatting money laundering by criminal law <sup>1</sup> should ensure that the violation of Union restrictive measures will be considered a predicate offence for	TM4 09102023	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>money laundering according to that Directive.</p> <p>1. Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law, PE/30/2018/REV/1, OJ L 284, 12.11.2018, p. 22-30.</p>	<p>money laundering according to that Directive.</p> <p>1. Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law, <del>PE/30/2018/REV/1</del>, OJ L 284, 12.11.2018, p. 22-30.</p>	<p>money laundering according to that Directive.</p> <p>1. Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law, PE/30/2018/REV/1, OJ L 284, 12.11.2018, p. 22-30.</p>	
Recital 23				
31	<p>(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</p>	<p>(23) The objectives of this Directive, namely to ensure common <u>minimum rules concerning the</u> 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</p>	<p>(23) <u>Since</u> 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 <u>the</u> Member States <del>but can rather, by reason of the scale and effects of this Directive, be better achieved at Union level,</del> taking into account the inherent cross-border nature of the violation of Union restrictive measures and <del>their</del> <u>its</u> potential to undermine the achievement of the Union objectives to safeguard international peace and security as well as to uphold Union common values. <del>Therefore, but can</del> <u>rather, by reason of the scale and effects of this Directive, be better achieved at Union level,</u> the Union may adopt measures, in accordance</p>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.	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.	with the principle of subsidiarity as set out in <del>accordance with</del> 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 <del>that objective</del> <u>those objectives</u> .	
Recital 24				
32	(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.	(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 <u>ne bis in idem</u> <del>ne bis in idem</del> . This Directive seeks to ensure full respect for those rights and principles and should be implemented accordingly.	(24) This Directive respects <del>the</del> fundamental rights and observes the principles recognised in particular by the Charter <del>of Fundamental Rights of the European Union</del> , including the <del>rights</del> <u>right</u> to liberty and security, the protection of personal data <u>as further specified by Regulation (EU) 2016/679, Regulation (EU) 2918/1725 and Directive (EU) 2016/680</u> , 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. <u>It is essential that Member States provide for an effective</u>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<p><u>appeal against judgments issued pursuant to this Directive, before a higher court, in accordance with procedures provided for in national law. Where a decision to prosecute has been taken by a competent authority other than a judicial authority, national law should provide for a judicial review of such decision to prosecute, within a reasonable time, before the prosecution is initiated.</u> This Directive seeks to ensure full respect for <u>the aforementioned</u> <del>those</del> rights and principles and should be implemented accordingly.</p>	

#### Recital 25

33	<p>(25) In implementing this Directive, Member States should ensure that the procedural rights of suspected or accused persons in criminal proceedings are observed. In this regard, the obligations under this Directive should not affect Member States obligations under Union law on procedural rights in criminal proceedings, in particular Directives 2010/64/EU<sup>1</sup>, 2012/13/EU<sup>2</sup>, 2013/48/EU<sup>3</sup>, (EU) 2016/343<sup>4</sup>, (EU) 2016/800<sup>5</sup> and (EU) 2016/1919<sup>6</sup> of the European Parliament and of the Council.</p> <p><sup>1</sup>. Directive 2010/64/EU of the European</p>	<p>(25) In implementing this Directive, Member States should ensure that the procedural rights of suspected or accused persons in criminal proceedings are observed. In this regard, the obligations under this Directive should not affect Member States obligations under Union law on procedural rights in criminal proceedings, in particular Directives 2010/64/EU<sup>1</sup>, 2012/13/EU<sup>2</sup>, 2013/48/EU<sup>3</sup>, (EU) 2016/343<sup>4</sup>, (EU) 2016/800<sup>5</sup> and (EU) 2016/1919<sup>6</sup> of the European Parliament and of the Council.</p> <p><sup>1</sup>. Directive 2010/64/EU of the European</p>	<p>(25) In implementing this Directive, Member States should ensure that the procedural rights of suspected or accused persons in criminal proceedings are observed. In this regard, the obligations under this Directive should not affect Member States obligations under Union law on procedural rights in criminal proceedings, in particular Directives 2010/64/EU<sup>1</sup>, 2012/13/EU<sup>2</sup>, 2013/48/EU<sup>3</sup>, (EU) 2016/343<sup>4</sup>, (EU) 2016/800<sup>5</sup> and (EU) 2016/1919<sup>6</sup> of the European Parliament and of the Council.</p> <p><sup>1</sup>. Directive 2010/64/EU of the European</p>	
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	<p>Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).</p> <p>2. Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).</p> <p>3. Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1).</p> <p>4. Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1).</p> <p>5. Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1).</p> <p>6. Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297 4.11.2016, p. 1).</p>	<p>Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).</p> <p>2. Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).</p> <p>3. Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1).</p> <p>4. Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1).</p> <p>5. Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1).</p> <p>6. Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297 4.11.2016, p. 1).</p>	<p>Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).</p> <p>2. Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).</p> <p>3. Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1).</p> <p>4. Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1).</p> <p>5. Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1).</p> <p>6. Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297 4.11.2016, p. 1).</p>	
Recital 26				
34	(26) In view of the urgent need to hold individuals and legal persons involved in the violation of Union	(26) In view of the urgent need to hold individuals and legal persons involved in the violation of Union	(26) In view of the urgent need to hold individuals and legal persons involved in the violation of Union	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	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.	restrictive measures accountable, Member States should bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within <del>six</del> <u>12</u> months after the entry into force of this Directive.	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.	
Recital 26a				
34a		<p><u>(26a) The criminalisation of violations of Union restrictive measures under this Directive is aimed to ensure that these violations will be punishable as criminal offences and enforceable in every Member State. In line with the case law of the Court of Justice of the European Union, Member States are required to adopt in their national legal systems all the measures necessary to ensure that the Directive is fully effective, in accordance with the objective which it pursues. Member States may choose the form and method for implementing this requirement, specific express legal provisions not always having to be adopted, while ensuring that provisions of this Directive are implemented with unquestionable binding force, and with the specificity, precision and clarity necessary to satisfy the requirements of legal certainty, granting appropriate publicity for</u></p>		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>the national measures adopted pursuant to EU rules in such a way as to enable the persons concerned by such measures to ascertain the scope of their rights and obligations.</u>		
Recital 27				
35	(27) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(27) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(27) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	
Recital 28, first subparagraph				
36	[non-participation:] 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 TEU and to the TFEU, 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 it or subject to its application.	<i>deleted</i>	[non-participation:] 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 TEU and to the TFEU, 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 it or subject to its application.	
Recital 28, second subparagraph				
37	OR [participation:] In accordance	<u>(28)</u> <del>OR [participation:]</del> In	OR [participation:] In accordance	



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	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 TEU and to the TFEU, Ireland has notified [, by letter of...], its wish to take part in the adoption and application of this Directive,	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 TEU and to the TFEU, Ireland has notified <del>f</del> , by letter of <del>...</del> <u>3 March 2023</u> , its wish to take part in the adoption and application of this Directive,	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 TEU and to the TFEU, Ireland has notified [, by letter of...], its wish to take part in the adoption and application of this Directive,	
Formula				
38	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	
Article 1				
39	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter  Text Origin: Commission Proposal
Article 1, first paragraph				
40	This Directive establishes minimum rules concerning the definition of criminal offences and penalties with regard to the violation of Union restrictive measures.	This Directive establishes minimum rules concerning the definition of criminal offences and penalties with regard to the violation of Union restrictive measures.	This Directive establishes <u>common</u> minimum rules concerning the definition of criminal offences and penalties with regard to the violation of Union restrictive measures.	This Directive establishes minimum rules concerning the definition of criminal offences and penalties with regard to the violation of Union restrictive measures.  Text Origin: Commission Proposal TM2 08092023 - confirmation

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				during the second trilogue 26092023
Article 2				
41	Article 2 Scope and definitions	Article 2 Scope <del>and definitions</del>	Article 2 Scope <del>and definitions</del>	Article 2 Scope <del>and definitions</del>  Text Origin: EP Mandate TM2 08092023
Article 2(1)				
42	(1) This Directive applies to violations of Union restrictive measures. Those Union restrictive measures cover:	<del>(1)</del> This Directive applies to violations of Union restrictive measures. <del>Those Union restrictive measures cover:</del>	(1) This Directive applies to violations of Union restrictive measures. Those Union restrictive measures cover:	(1) This Directive applies to violations of Union restrictive measures. <del>Those Union restrictive measures cover:</del>  Text Origin: Council Mandate - confirmation during the second trilogue 26092023
Article 2(1), point (a)				
43	(a) measures concerning the freezing of funds and economic resources;	<i>deleted</i>	(a) measures concerning the freezing of funds and economic resources;	(a) <del>measures concerning the freezing of funds and economic resources;</del> <del>deleted</del>  TM2 08092023 TM3 20092023- confirmation during the second trilogue 26092023
Article 2(1), point (b)				
44	(b) prohibitions on making funds		(b) prohibitions on making funds	(b) <del>prohibitions on making funds</del>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	and economic resources available;	<i>deleted</i>	and economic resources available;	<del>and economic resources available;</del> <u>deleted</u> TM2 08092023 - confirmation during the second trilogue 26092023
Article 2(1), point (c)				
45	(c) prohibitions on entry into, or transit through, the territory of a Member State	<i>deleted</i>	(c) prohibitions on entry into, or transit through, the territory of a Member State	(c) <del>prohibitions on entry into, or transit through, the territory of a Member State</del> <u>deleted</u> TM2 08092023 - confirmation during the second trilogue 26092023
Article 2(1), point (d)				
46	(d) sectoral economic and financial measures; and	<i>deleted</i>	(d) sectoral economic and financial measures; and	(d) <del>sectoral economic and financial measures; and</del> <u>deleted</u> TM2 08092023 TM3 20092023-confirmation during the second trilogue 26092023
Article 2(1), point (e)				
47	(e) arms embargoes.	<i>deleted</i>	(e) arms embargoes.	(e) <del>arms embargoes.</del> <u>deleted</u> TM2 08092023 TM3 20092023-confirmation during the second trilogue 26092023
Article 2(1), point (ea)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
47a		<a href="#"><u>Article 2a Definitions</u></a>	<a href="#"><u>Article 2a Definitions</u></a>	<a href="#"><u>Article 2a Definitions</u></a> Text Origin: Council Mandate TM2 08092023-confirmation during the second trilogue 26092023
Article 2(2)				
48	(2) For the purposes of this Directive, the following definitions apply:	For the purposes of this Directive, the following definitions apply:	(2) For the purposes of this Directive, the following definitions apply:	(2) For the purposes of this Directive, the following definitions apply:  Text Origin: Commission Proposal TM2 08092023-confirmation during the second trilogue 26092023
Article 2(2), point (a)				
49	(a) ‘Union restrictive measures’ are restrictive measures adopted by the Union on the basis of Article 29 TEU or Article 215 TFEU;	(a) ‘Union restrictive measures’ <del>means are</del> restrictive measures adopted by the Union on the basis of Article 29 TEU or Article 215 TFEU;	(a) ‘Union restrictive measures’ <del>means are</del> restrictive measures adopted by the Union on the basis of Article 29 TEU or Article 215 TFEU;	(a) ‘Union restrictive measures’ <del>means are</del> restrictive measures adopted by the Union on the basis of Article 29 TEU or Article 215 TFEU;  Text Origin: EP Mandate TM2 08092023-confirmation during the second trilogue 26092023
Article 2(2), point (b)				
50	(b) ‘designated person, entity or body’, means those natural or legal	(b) ‘designated person, entity or body’, means <del>those</del> <u>a</u> natural or legal	(b) ‘designated person, entity or body’, means those natural or legal	(b) ‘designated person, entity or body’, means <del>those</del> <u>a</u> natural or legal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	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;	<del>persons, entities or bodies</del> <u>person, entity or body</u> subject to Union restrictive measures <del>-consisting in the freezing of funds and economic resources and the prohibition to make funds and economic resources available;</del>	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;	<del>persons, entities or bodies</del> <u>person, entity or body</u> subject to Union restrictive measures <del>-consisting in the freezing of funds and economic resources and the prohibition to make funds and economic resources available;</del>  Text Origin: Council Mandate TM2 08092023-confirmation during the second trilogue 26092023
Article 2(2), point (c)				
51	(c) ‘funds’ means:	(c) ‘funds’ means <u>financial assets and benefits of every kind, including, but not limited to:</u>	(c) ‘funds’ means:	(c) ‘funds’ means <u>financial assets and benefits of every kind, including, but not limited to:</u>  Text Origin: Council Mandate TM2 08092023-confirmation during the second trilogue 26092023
Article 2(2), point (c)(i)				
52	(i) cash, cheques, claims on money, drafts, money orders and other payment instruments;	(i) cash, cheques, claims on money, drafts, money orders and other payment instruments;	(i) cash, cheques, claims on money, drafts, money orders and other payment instruments;	(i) cash, cheques, claims on money, drafts, money orders and other payment instruments;  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 2(2), point (c)(ii)				
53	(ii) deposits with financial	(ii) deposits with financial	(ii) deposits with financial	(ii) deposits with financial

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	institutions or other entities, balances on accounts, debts and debt obligations;	institutions or other entities, balances on accounts, debts and debt obligations;	institutions or other entities, balances on accounts, debts and debt obligations;	institutions or other entities, balances on accounts, debts and debt obligations;  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 2(2), point (c)(iii)				
54	(iii) publicly- and privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;	(iii) <del>publicly</del> -publicly-traded and privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;	(iii) publicly- and privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;	(iii) <del>publicly</del> -publicly-traded and privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;  Text Origin: Council Mandate-confirmation during the second trilogue 26092023
Article 2(2), point (c)(iv)				
55	(iv) interest, dividends or other income on or value accruing from or generated by assets;	(iv) interest, dividends or other income on or value accruing from or generated by assets;	(iv) interest, dividends or other income on or value accruing from or generated by assets;	(iv) interest, dividends or other income on or value accruing from or generated by assets;  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 2(2), point (c)(v)				
56	(v) credit, right of set-off, guarantees, performance bonds or other financial commitments;	(v) credit, right of set-off, guarantees, performance bonds or other financial commitments;	(v) credit, right of set-off, guarantees, performance bonds or other financial commitments;	(v) credit, right of set-off, guarantees, performance bonds or other financial commitments;

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 2(2), point (c)(vi)				
57	(vi) letters of credit, bills of lading, bills of sale;	(vi) letters of credit, bills of lading, bills of sale;	(vi) letters of credit, bills of lading, bills of sale;	(vi) letters of credit, bills of lading, bills of sale;  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 2(2), point (c)(vii)				
58	(vii) documents showing evidence of an interest in funds or financial resources;	(vii) documents showing evidence of an interest in funds or financial resources;	(vii) documents showing evidence of an interest in funds or financial resources;	(vii) documents showing evidence of an interest in funds or financial resources;  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 2(2), point (c)(viii)				
59	(viii) crypto assets;	(viii) crypto assets <u>as defined in Regulation xxx/2023 on Markets in Crypto-assets</u> ; <sup>1</sup>  <u>1. Regulation of the European Parliament and of the Council on Markets in Crypto-assets, and amending Directive (EU) 2019/1937 (MiCA) ...</u>	(viii) <del>crypto-assets</del> <u>crypto-assets as defined in Article 3(5) of Regulation (EU) 2023/1114 of the European Parliament and of the Council</u> <sup>1</sup> ; <sup>2</sup>  <u>1. Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and</u>	(viii) <del>crypto-assets</del> <u>crypto-assets as defined in Article 3(5) of Regulation (EU) 2023/1114 of the European Parliament and of the Council</u> <sup>1</sup> ; <sup>2</sup>  <u>1. Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<a href="#"><u>Directives 2013/36/EU and (EU) 2019/1937 (Text with EEA relevance) (OJ L 150, 9.6.2023, p. 40).</u></a>	<a href="#"><u>Directives 2013/36/EU and (EU) 2019/1937 (Text with EEA relevance) (OJ L 150, 9.6.2023, p. 40).</u></a>  Text Origin: EP Mandate TM2 08092023-confirmation during the second trilogue 26092023
Article 2(2), point (d)				
60	(d) ‘economic resources’ means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but may be used to obtain funds, goods or services;	(d) ‘economic resources’ means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but may be used to obtain funds, goods or services;	(d) ‘economic resources’ means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but may be used to obtain funds, goods or services;	(d) ‘economic resources’ means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but may be used to obtain funds, goods or services;  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 2(2), point (e)				
61	(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;	(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;	(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;	(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;  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023



	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 2(2), point (f)			
G	62	(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.	(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.	(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.  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
	Article 2(2), point (fa)			
Y	62a		(g) <u>'public official' means:</u> (i) <u>a Union official or a national official of a Member State or of a third country;</u> (ii) <u>any other person assigned and exercising a public service function in a Member State or a third country, for an international organisation or for an international court;</u>	recital? (like in the PIF's Directive?)  EP to revert  TM2 08092023 TM5 23102023
	Article 2(2), point (fb)			
Y	62b		(fb) (h) <u>'Union official' means a person who is:</u> (i) <u>a member of an institution, body, office or agency of the Union or the staff of such bodies;</u> (ii) <u>an official or other servant</u>	recital? (like in the PIF's Directive?)  EP to revert  TM2 08092023


	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>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.</u>	TM5 23102023
Article 3				
63	Article 3 Violation of Union restrictive measures	Article 3 Violation of Union restrictive measures	Article 3 Violation <u>and circumvention</u> of Union restrictive measures	Article 3 Violation of Union restrictive measures  Text Origin: Commission Proposal TM2 08092023
Article 3(1)				
64	(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.	(1) Member States shall take the necessary measures to ensure that the <del>violation of a</del> <u>following conduct in so far as it amounts to an infringement of a prohibition or an obligation set out in a</u> Union restrictive measure <del>constitutes a criminal offence when committed intentionally and provided it falls in</del>	(1) Member States shall take the necessary measures to ensure that the violation of a Union restrictive measure <u>by any natural, legal person, entity or body</u> constitutes a criminal offence when committed intentionally and provided it falls in one of the categories defined in paragraph 2.	(1) Member States shall take the necessary measures to ensure that the <del>violation of</del> <u>following conduct which breaches a prohibition or an obligation set out in</u> a Union restrictive measure <del>constitutes a criminal offence when committed intentionally and provided it falls in one of the categories defined in</del>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<i>one of the categories defined in paragraph 2. or set out in a national provision implementing a Union restrictive measure, where national implementation is required, constitutes a criminal offence, when committed intentionally:</i>	PUBLIC	<i>paragraph 2. or in a national provision implementing a Union restrictive measure, where national implementation is required, constitutes a criminal offence, when committed intentionally:</i>  new green line  Text Origin: Council Mandate TM3 20092023 TM4 09102023 TM5 23102023
Article 3(2)				
65	(2) For the purposes of this Directive, the following shall be regarded as violation of a Union restrictive measure:	<del>(2) For the purposes of this Directive, the following shall be regarded as violation of a Union restrictive measure:</del>	(2) For the purposes of this Directive, the following shall be regarded as violation of a Union restrictive measure:	<del>(2) For the purposes of this Directive, the following shall be regarded as violation of a Union restrictive measure:</del> <u>deleted</u>  new green line  TM5 23102023
Article 3(2), point (a)				
66	(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, entity or body in violation of a prohibition <u>imposed</u> by a Union restrictive measure;	(a) making funds or economic resources available <u>directly or indirectly</u> 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 <u>directly or indirectly</u> to, or for the benefit of, a designated person, entity or body in violation of a prohibition <u>imposed</u> by a Union restrictive measure;  preliminary agreed by CON  Text Origin: EP Mandate

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				TM3 20092023-confirmation during the second trilogue 26092023
Article 3(2), point (b)				
67	(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 <del>without undue delay</del> funds or economic resources belonging to or owned, held or controlled by a designated person, entity or body in violation of an obligation <del>to do so imposed by</del> <u>set out in</u> 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, entity or body in violation of an obligation to do so imposed by a Union restrictive measure;	(b) failing to freeze <del>without undue delay</del> funds or economic resources belonging to or owned, held or controlled by a designated person, entity or body in violation of an obligation <del>to do so imposed by</del> <u>set out in</u> a Union restrictive measure;  Text Origin: Council Mandate TM3 20092023-confirmation during the second trilogue 26092023
Article 3(2), point (c)				
68	(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;	(c) enabling the entry of designated natural persons into <del>the territory of a Member State</del> , or their transit through the territory of a Member State in violation of a prohibition <u>imposed</u> by a Union restrictive measure;	(c) enabling the entry of designated natural persons into the territory of a Member State, <u>including its territorial seas and airspace</u> , or their transit through the territory of a Member State in violation of a prohibition by a Union restrictive measure <u>including through international zones situated in the territory of the Member State</u> ;	EP's proposal made during the trilogue on 26092023: (c) enabling the entry of designated natural persons into the territory of a Member State, including its territorial seas and airspace, or their transit through the territory of a Member State in violation of a prohibition by a Union restrictive measure including through international transit areas situated in the ports and airports of the Member States, without prejudice to the appearance, upon invitation, of the designated persons before relevant international organisations or courts

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			PUBLIC	<p>located in a Member States;</p> <p>in a recital: EP agrees to have this it a recital</p> <p>EP proposal: (4c) Union restrictive measures also lay down restrictions on admission (travel bans) which should be covered by this Directive. Such measures, usually laid down in a Council Decision adopted on the basis of Article 29 TEU and implemented by means of national law, require Member States to take the necessary measures to prevent the entry into, or transit through, their territories of the natural persons who are subject to Union restrictive measures. The prevention of entry, or transit would also apply to international transit areas, which are part of the territory of the Member States and under their full jurisdiction, and thus these zones fall under the principle of territoriality of this Directive.</p> <p>Council to revert</p> <p>TM3 20092023 TM4 09102023 TM5 23102023</p>
	Article 3(2), point (ca)			
R	68a		<p><u>(ca) enabling the stay in the territory of a Member State of a designated natural person, including by granting citizenship by</u></p>	<p><u>(ca)</u></p> <p>Recital? EP will propose a recital</p>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>investments or residence by investments schemes, in violation of a Union restrictive measure;</u>	EP to revert TM3 20092023 TM4 09102023 TM5 23102023
Article 3(2), point (d)				
69	(d) entering into transactions with a third State, bodies of a third State, entities and bodies owned or controlled by a third State or bodies of a third State, which are prohibited or restricted by Union restrictive measures;	(d) entering into <u>or continuing</u> transactions with a third State, bodies of a third State, entities <del>and</del> <u>or</u> bodies owned or controlled by a third State or bodies of a third State, which are prohibited or restricted by Union restrictive measures, <u>including the award or continued execution of public or concession contracts;</u>	(d) entering into <u>financial or corporate</u> transactions <u>or public procurement</u> with a third State, bodies of a third State, entities and bodies <u>directly or indirectly</u> owned or controlled by a third State or bodies of a third State, which are prohibited or restricted by Union restrictive measures;	(d) <u>(d)</u> entering into <u>or continuing</u> transactions <del>with a third State, or</del> <u>public procurement with</u> bodies of a third State, entities and <u>or</u> bodies owned or controlled by a third State or bodies <u>directly or indirectly</u> of a third State, which are prohibited or restricted by Union restrictive measures, <u>including the award or continued execution of public or concession contracts</u>  new green line TM3 20092023 TM5 23102023
Article 3(2), point (e)				
70	(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;	(e) trading <del>in goods or services whose import, export, importing, exporting, sale, purchase, transfer, transit or transport is prohibited or restricted by Union restrictive measures;</del> <u>selling, purchasing, transferring, transiting or transporting goods</u> as well as providing brokering services.	(e) trading in goods, <u>services or technology</u> <del>or services</del> whose import, export, sale, purchase, transfer, transit or transport is prohibited or restricted by Union restrictive measures, as well as <u>acting as an intermediary or</u> providing brokering services or other services relating to those goods and	(e) trading <del>in goods or services whose import, export, importing, exporting, sale, purchase, transfer, transit or transport is prohibited or restricted by Union restrictive measures;</del> <u>selling, purchasing, transferring, transiting or transporting goods</u> as well as providing brokering services.

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>technical assistance</u> or other services relating to those goods <del>and services, in violation of a prohibition imposed by a Union restrictive measure;</del>	services; 	<u>technical assistance</u> or other services relating to those goods <del>and services, in violation of a prohibition imposed by a Union restrictive measure;</del>  related to Recital (4b)  Text Origin: Council Mandate TM3 20092023-confirmation during the second trilogue 26092023
Article 3(2), point (f)				
71	(f) providing financial activities which are prohibited or restricted by Union restrictive measures, such as financing and financial assistance, providing investment and investment securities and money market instruments, accepting deposits, providing specialised financial messaging services, dealing in banknotes, provide credit rating services, providing crypto assets and wallets;	(f) providing financial <u>services or performing financial</u> activities which are prohibited or restricted by Union restrictive measures, <del>such as financing and financial assistance, providing investment and investment securities, issuing transferrable securities and money market instruments, accepting deposits, providing specialised financial messaging services, dealing in banknotes, provide credit rating services, providing crypto assets and wallets;</del>	(f) providing financial activities which are prohibited or restricted by Union restrictive measures, such as financing and financial assistance, providing investment and investment securities and money market instruments, accepting deposits, providing specialised financial messaging services, dealing in banknotes, provide credit rating services, providing crypto assets and wallets;	(f) providing financial <u>services or performing financial</u> activities which are prohibited or restricted by Union restrictive measures, <del>such as financing and financial assistance, providing investment and investment securities, issuing transferrable securities and money market instruments, accepting deposits, providing specialised financial messaging services, dealing in banknotes, provide credit rating services, providing crypto assets and wallets;</del>  Text Origin: Council Mandate TM3 20092023-confirmation during the second trilogue 26092023
Article 3(2), point (g)				
72				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	(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;	(g) providing other services which are prohibited or restricted by Union restrictive measures, <del>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;</del>	(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;	(g) providing other services which are prohibited or restricted by Union restrictive measures, <del>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;</del>  Text Origin: Council Mandate TM3 20092023-confirmation during the second trilogue 26092023
Article 3(2), point (h)				
73	(h) circumventing a Union restrictive measure by:	(h) circumventing a Union restrictive measure by:	(h) circumventing a Union restrictive measure by:	(h) circumventing a Union restrictive measure by:  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 3(2), point (h)(i)				
74	(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;	(i) <del>concealing</del> <u>transferring</u> funds or economic resources owned, held, or controlled by a designated person, entity or body, which <del>should be to</del> be frozen in accordance with a Union restrictive <del>measure, by the transfer of measure to a third party to</del> <u>conceal</u> those funds, or economic resources <del>to a third party;</del>	(i) <del>concealing</del> <u>(i) moving, transferring, altering, using, accessing, dealing with, selling, hiring or mortgaging</u> funds or economic resources <u>directly or indirectly</u> owned, held, or controlled by a designated person, entity or body, which should be frozen in accordance with a Union restrictive	(i) <del>concealing</del> <u>Using, transferring to a third party or otherwise disposing of</u> funds or economic resources <u>directly or indirectly</u> owned, held, or controlled by a designated person, entity or body, which <del>should be to</del> be frozen in accordance with a Union restrictive measure, <del>by the transfer of</del> <u>in order</u>




	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			measure, <u>to a third party to conceal</u> <del>by the transfer of</del> those funds, or economic resources <u>enabling the</u> <u>designated persons to continue to</u> <u>use them</u> <del>to a third party</del> ;	<u>to conceal</u> those funds, or economic resources <del>to a third party</del> ;  Council to revert  Text Origin: Council Mandate TM4 09102023 TM5 23102023
Article 3(2), point (h)(ii)				
75	(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;	(ii) <del>concealing</del> <u>providing false or misleading information, to conceal</u> the fact that a <u>designated</u> person, entity or body <del>subject to restrictive measures</del> is the ultimate owner or beneficiary of funds or economic resources, <del>through the provision of false or incomplete information</del> <u>which are to be frozen in accordance with a Union restrictive measure</u> ;	(ii) concealing the fact that a person, entity or body subject to <u>Union</u> restrictive measures is the ultimate owner or beneficiary of funds or economic resources, through the provision of false or incomplete information;	(ii) <del>concealing</del> <u>providing false or misleading information, to conceal</u> the fact that a <u>designated</u> person, entity or body <del>subject to restrictive measures</del> is the ultimate owner or beneficiary of funds or economic resources, <del>through the provision of false or incomplete information</del> <u>which are to be frozen in accordance with a Union restrictive measure</u> ;  recital 15 (line 23) : providing false or misleading information, including relevant incomplete information, to conceal the fact that a designated person, entity or body is the ultimate owner or beneficiary of funds or economic resources  Council to revert  TM3 20092023 TM5 23102023
Article 3(2), point (h)(iii)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
76	(iii) failing by a designated person, entity or body to comply with an obligation under Union restrictive measures to report funds or economic resources within the jurisdiction of a Member State, belonging to, owned, held, or controlled by them;	(iii) failing by a designated <u>natural</u> person, <u>or by a representative of a designated</u> entity or body, to comply with an obligation <del>under</del> <u>imposed by</u> Union restrictive measures to report funds or economic resources within the jurisdiction of a Member State, belonging to, owned, held, or controlled by them;	(iii) failing by a designated person, entity or body to comply with an obligation under Union restrictive measures to report funds or economic resources within the jurisdiction of a Member State, belonging to, owned, held, or controlled by them;	(iii) failing by a designated <u>natural</u> person, <u>or by a representative of a designated</u> entity or body, to comply with an obligation <del>under</del> <u>imposed by</u> Union restrictive measures to report funds or economic resources within the jurisdiction of a Member State, belonging to, owned, held, or controlled by them;  Text Origin: Council Mandate TM3 20092023-confirmation during the second trilogue 26092023
Article 3(2), point (h)(iv)				
77	(iv) failing to comply with an obligation under Union restrictive 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;	(iv) failing to comply with an obligation <del>under</del> <u>imposed by</u> Union restrictive measures to provide <u>information obtained in the performance of professional duty on frozen</u> <del>without undue delay</del> <del>information on</del> funds or economic resources <del>frozen</del> <del>and or</del> 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;	(iv) failing to comply with an obligation under Union restrictive 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;	(iv) failing to comply with an obligation <del>under</del> <u>imposed by</u> Union restrictive measures to provide <u>information obtained in the performance of professional duty on frozen</u> <del>without undue delay</del> <del>information on</del> funds or economic resources <del>frozen</del> <del>and or</del> 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;  Text Origin: Council Mandate TM3 20092023-confirmation

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				during the second trilogue 26092023
Article 3(2), point (h)(v)				
78	(v) failing to cooperate with the competent administrative authorities in any verification of information under points (iii) and (iv), upon their reasoned request;	<i>deleted</i>	(v) failing to cooperate with the competent administrative authorities in any verification of information under points (iii) and (iv), upon their reasoned request;	similar discussions in the environmental crimes' Directive - to discuss with article 8  EP to revert  TM3 20092023 TM5 23102023
Article 3(2), point (h)(va)				
78a			<u>(va) conduct that has the same effect as one of the offences referred to in points (d) to (g) of this paragraph, in particular the concealment of goods, transactions, services or activities subject to a Union restrictive measure, or information about their nature, origin, destination or the identity of parties involved;</u>	CON suggests to have a revision clause as in the environmental crimes ' Directive - COM to come back on this point  COM proposal: (h) Circumventing a Union restrictive measure by [...] (va) Importing or exporting goods from or to a third country, in view of transferring these goods to a destination to which their import, export, sale, purchase, transfer, transit or transport is prohibited by a Union restrictive measure; for CON: already covered in letter (e)?

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				EP to revert Council to revert  TM3 20092023 TM5 23102023
Article 3(2), point (i)				
79	(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.	(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.	(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.	(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.  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 3(2), point (ia)				
79a		<u>(2a) Member States may provide that the violations referred to in paragraph 1, points (a), (b) and (h) of this Article do not constitute a criminal offence where they involve funds or economic resources of a value of less than EUR 10 000.</u>		<u>(ia) Member States may provide that the violations referred to in paragraph 1, points (a), (b) and (h) of this Article do not constitute a criminal offence where they involve funds or economic resources of a value of less than EUR 10 000.</u>  new green line  Text Origin: Council Mandate TM5 23102023
Article 3(2), point (ib)				
79b				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<p><u>(2b) Member States may provide that the violations referred to in paragraph 1, points (d) to (g) and (i) of this Article do not constitute a criminal offence where they involve goods, services, transactions or activities of a value of less than EUR 10 000.</u></p>		<p><u>(ib) Member States may provide that the violations referred to in paragraph 1, points (d) to (g) and (i) of this Article do not constitute a criminal offence where they involve goods, services, transactions or activities of a value of less than EUR 10 000.</u></p> <p>new green line</p> <p>Text Origin: Council Mandate TM5 23102023</p>
Article 3(2), point (ic)				
79c		<p><u>(2c) Member States may provide that the violation referred to in paragraph 1, point (c) of this Article does not constitute a criminal offence in minor cases.</u></p>		<p><u>(ic) (2d) Member States shall take the necessary measures to ensure that the threshold of EUR 10 000 or more may also be met through a series of linked violations of the same kind referred to in paragraph 1, points (a), (b), (d) to (i) of this Article, when committed by the same offender.</u></p> <p>modify the related recital</p> <p>new green line</p> <p>TM3 20092023 - decision during second trilogue 26092023 TM4 09102023 TM5 23102023</p>
Article 3(3)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
R	80	deleted	(3) The conduct referred to in paragraph 2, points (a) to (g) shall constitute a criminal offence also if committed with <del>serious</del> negligence.	<p>CON serious negligence: only for letters (a) and (b), for EP: more extensive list needed</p> <p>CON: serious negligence only for letter (e) (arms)</p> <p>trilogue EP to revert</p> <p>TM3 20092023 TM4 09102023 TM5 23102023</p>
Article 3(4)				
G	81	deleted	(4) Nothing in paragraph 2 shall be understood as imposing obligations on natural persons contrary to the right not to incriminate oneself and to remain silent as enshrined in the Charter of Fundamental Rights of the European Union and Directive (EU) 2016/343.	<p>(4) <del>Nothing in paragraph 2 shall be understood as imposing obligations on natural persons contrary to the right not to incriminate oneself and to remain silent as enshrined in the Charter of Fundamental Rights of the European Union and Directive (EU) 2016/343.</del> <u>deleted</u></p> <p>TM3 20092023 - agreement during trilogue TM4 09102023</p>
Article 3(5)				
Y	82	(5) Nothing in paragraph <del>2</del> <u>1</u> shall be understood as imposing an obligation on legal professionals to report information <del>which is obtained in strict connection with judicial</del> <u>that</u>	(5) Nothing in paragraph 2 shall be understood as imposing an obligation on legal professionals to report information which is obtained in <u>the performance of the task of</u>	(5) <u>(5)</u> Nothing in paragraph <del>2</del> <u>1</u> shall be understood as imposing an obligation on legal professionals to report information <del>which is obtained in strict connection with judicial,</del>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>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.</p>	<p><u>they receive from, administrative or arbitral proceedings, whether before, during or after judicial proceedings, or</u> <u>or obtain on, one of their clients,</u> in the course of ascertaining the legal position of <del>at their</del> client. <del>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, or</del> <u>performing the task of defending or representing that client in, or concerning, judicial proceedings, including providing</u> advice <del>for the purposes of violating Union restrictive measures.</del> <u>on instituting or avoiding such proceedings.</u></p>	<p><u>defending or representing a client in, or concerning</u> <del>strict connection</del> 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 <u>or has a well-grounded suspicion on the basis of factual circumstances</u> that the client is seeking legal advice for the purposes of violating <u>or circumventing</u> Union restrictive measures.</p>	<p><del>administrative or arbitral proceedings, whether before, during or after judicial proceedings, or in the course of ascertaining the legal position of a client</del> <u>that they receive from, or obtain on, one of their clients, in the course of ascertaining the legal position of their client, or performing the task of defending or representing that client in, or concerning, judicial proceedings, including providing advice on instituting or avoiding such proceedings.</u> Legal advice in those circumstances shall be protected by professional secrecy, <u>except</u> 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. <u>l</u></p> <p>related to recital 7 COM is fine to have this clarification in a recital (last part)</p> <p>EP to revert</p> <p>TM3 20092023 TM5 23102023</p>
Article 3(6)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
83	(6) Paragraphs 1, 2 and 3 shall not apply to:	<i>deleted</i>	(6) Paragraphs 1, 2 and 3 shall not apply to:	<p>CON's proposal: Nothing in paragraphs 1, 2 and 3 shall be understood as imposing an obligation on Member States to criminalize humanitarian assistance for persons in need in accordance with international humanitarian law, or activities in support of basic human needs or human rights in line with principles of impartiality, humanity, neutrality and independence."</p> <p>EP's proposal: Nothing in paragraphs 1, 2 and 3 shall be understood as restricting the provision of humanitarian assistance for persons in need, in accordance with international humanitarian law, or activities in support of basic human needs or human rights in line with principles of impartiality, humanity, neutrality and independence.</p> <p>COM's proposal: Nothing in paragraphs 1, 2 and 3 shall be understood as criminalising humanitarian assistance for persons in need or activities in support of basic human needs provided in accordance with the principles of impartiality, humanity, neutrality and independence, and where applicable, with international humanitarian law. CON is fine with the COM's proposal.</p> <p>trilogue EP to revert</p>




	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				TM3 20092023 TM4 09102023 TM5 23102023
	Article 3(6), first indent			
R	84 - 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,	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,	trilogue EP to revert TM3 20092023 TM4 09102023 TM5 23102023
	Article 3(6), second indent			
R	85 - to the failure to report such activities;	deleted	deleted	trilogue EP to revert TM3 20092023 TM4 09102023 TM5 23102023
	Article 3(6), third indent			
R	86 - to humanitarian aid provided for persons in need.	deleted	- <del>to</del> <u>the provision of humanitarian assistance or activities in support of basic human needs and/or human rights, as defined in the relevant EU sanctions regimes;</u> <del>aid provided for persons in need.</del>	trilogue EP to revert TM3 20092023 TM4 09102023 TM5 23102023
	Article 3(6), fourth indent			

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
R	86a		<u>- the failure to report the activities referred in this paragraph.</u>	trilogue EP to revert TM3 20092023 TM4 09102023 TM5 23102023
Article 4				
G	87	Article 4 Inciting, aiding and abetting, and attempt	Article 4 Inciting, aiding and abetting, and attempt	Article 4 Inciting, aiding and abetting, and attempt  Text Origin: Commission Proposal
Article 4(1)				
G	88	(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.	(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.	(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.  Text Origin: Commission Proposal TM2 08092023-confirmation during the second trilogue 26092023
Article 4(2)				
Y	89	(2) Member States shall take the necessary measures to ensure that the attempt to commit any of the	(2) Member States shall take the necessary measures to ensure that the attempt to commit any of the	attempt of an omission: impossible? EP and COM: still an issue on point (c)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	offences referred to in Article 3 (2), points (a) to (g), (h (i), (ii) and point (i), is punishable as a criminal offence.	offences referred to in Article 3 <del>(2)(1)</del> , points (a), <u>(d) to (g) and (h)(i) and (ii)</u> <del>to (g), (h (i), (ii) and point (i)</del> , is punishable as a criminal offence.	offences referred to in Article <del>3</del> <u>3(2)</u> , points (a) to (g), <del>(h (i) points</del> <u>(h)(i)</u> , (ii) <u>and (va)</u> and point (i), is punishable as a criminal offence.	<p>CON's proposal: Member States shall take the necessary measures to ensure that the attempt to commit any of the offences referred to in Article 3 (2)(1), points (a), (c) to (g) and (h)(i) and (ii), is punishable as a criminal offence.”: CON to revert back on letter (c)</p> <p>Council to revert</p> <p>TM2 08092023 TM3 20092023 TM5 23102023</p>
Article 5				
90	Article 5 Criminal penalties for natural persons	Article 5 Criminal penalties for natural persons	Article 5 Criminal penalties for natural persons	<p>Article 5 Criminal penalties for natural persons</p> <p>Text Origin: Commission Proposal</p>
Article 5(1)				
91	(1) Member States shall ensure that the criminal offences referred to in Articles 3 and 4 are punishable by effective, proportionate and dissuasive criminal penalties.	(1) Member States shall ensure that the criminal offences referred to in Articles 3 and 4 are punishable by effective, proportionate and dissuasive criminal penalties.	(1) Member States shall ensure that the criminal offences referred to in Articles 3 and 4 are punishable by effective, proportionate and dissuasive criminal penalties.	<p>(1) Member States shall ensure that the criminal offences referred to in Articles 3 and 4 are punishable by effective, proportionate and dissuasive criminal penalties.</p> <p>Text Origin: Commission Proposal TM1 07092023-confirmation during the second trilogue 26092023</p>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 5(2)				
92	(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.	(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.	(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.	(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.  Text Origin: Commission Proposal TM1 07092023-confirmation during the second trilogue 26092023
Article 5(3)				
93	(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.	(3) Member States shall take the necessary measures to ensure that the criminal offences referred to in Article <del>3(2)</del> <u>3(1)</u> , points (h)(iii), <del>(iv)</del> <del>and (v)</del> <u>and (iv)</u> , 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. <del>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.</del>	(3) Member States shall take the necessary measures to ensure that the criminal offences referred to in Article 3(2), points (h)(iii), (iv), <del>(v)</del> <del>and (va)</del> <del>and (v)</del> , 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 <del>100 000</del> <u>50 000</u> . Member States shall ensure that the threshold of EUR <del>100 000</del> <u>50 000</u> or more may also be met through a series of linked offences referred to in Article 3(2), points (h)(iii), (iv), <del>(v)</del> <del>and (va)</del> <del>and (v)</del> , when committed by the same offender.	(3) Member States shall take the necessary measures to ensure that the criminal offences referred to in Article <del>3(2)</del> <u>3(1)</u> , points (h)(iii), <del>(iv)</del> <del>and (v)</del> <u>and (iv)</u> , 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. <del>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.</del>  new green line  Text Origin: Council Mandate

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				TM5 23102023
Article 5(4)				
94	<p>(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.</p>	<p>(4) Member States shall take the necessary measures to ensure that the criminal offences referred to in Article <del>3(2)</del><u>3(1)</u>, points (a), <del>(b) and to (g)</del>, (h)(i) and (ii), <del>and point (i)</del>, 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: <i>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, on the date when the offence was committed.</i></p>	<p>(4) Member States shall take the necessary measures to ensure that the criminal offences referred to in Article 3(2), points (a) to (g), <u>points</u> (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), <u>points</u> (h)(i) and (ii), and point (i), by the same offender.</p>	<p>CON: deletion of point c: no harmonized penalty for the travel ban: discussion to have at political level</p> <p>CON to propose 1 year for letter (c) EP: 5 years or 3 years for travel ban</p> <p>trilogue</p> <p>TM1 07092023 TM3 20092023 TM4 09102023 TM5 23102023</p>
Article 5(4a)				
94a		<p><u>(4a) Member States shall take the necessary measures to ensure that the criminal offences referred to in Article 3(1), points (d) to (g) and (i), are punishable by a maximum penalty of at least five years of imprisonment when they involve goods, services, transactions or activities of a value of at least EUR 100 000 on the date when the</u></p>		<p><u>4a. Member States shall take the necessary measures to ensure that the criminal offences referred to in Article 3(1), points (d) to (g) and (i), are punishable by a maximum penalty of at least five years of imprisonment when they involve goods, services, transactions or activities of a value of at least EUR 100 000 on the date when the</u></p>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>offence was committed. Where the criminal offence referred to in Article 3(1), point (e) involves items included in the Common Military List of the European Union or dual-use items listed in Annexes I and IV to Regulation (EU) 2021/821, Member States shall take the necessary measures to ensure that it is punishable by a maximum penalty of at least five years of imprisonment irrespective of the value of the items involved.</u>		<u>offence was committed. Where the criminal offence referred to in Article 3(1), point (e) involves items included in the Common Military List of the European Union or dual-use items listed in Annexes I and IV to Regulation (EU) 2021/821, Member States shall take the necessary measures to ensure that it is punishable by a maximum penalty of at least five years of imprisonment irrespective of the value of the items involved.</u>  <div>new green line</div> <div>Text Origin: Council Mandate TM5 23102023</div>
Article 5(4b)				
94b		<u>(4b) Member States shall take the necessary measures to ensure that the threshold of EUR 100 000 or more may also be met through a series of linked offences of the same kind referred to in Article 3(1), when committed by the same offender.</u>		<u>4b. Member States shall take the necessary measures to ensure that the threshold of EUR 100 000 or more may also be met through a series of linked offences of the same kind referred to in Article 3(1), when committed by the same offender.</u>  <div>new green line</div> <div>Text Origin: Council Mandate TM5 23102023</div>
Article 5(5)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
95	<p>(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.</p>	<p>(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 <del>penalties. Those additional penalties shall</del><u>criminal or non-criminal sanctions or measures which may</u> include fines.</p>	<p>(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, <u>which shall include fines. Such fines shall be proportionate to the amount of funds or economic resources involved in the offence and the maximum limit of such fines shall be not less than EUR 10 000 000 where those offences involve funds or economic resources of a value of at least EUR 100 000.</u> Those additional penalties shall <u>also</u> include:</p> <ul style="list-style-type: none"> <li><u>(a) withdrawal of permits and authorisations to pursue activities which have resulted in committing the offence;</u></li> <li><u>(b) disqualification from exercising a leading position within a legal person of the type used for committing the offence;</u></li> <li><u>(c) temporary bans on running for elected or public office;</u></li> <li><u>(d) national or Union-wide publication of the judicial decision relating to the conviction or any sanctions or measures applied</u><del>fines.</del></li> </ul>	<p>(5) <u>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, which shall include fines. Such fines shall be proportionate to the amount of funds or economic resources involved in the offence and the maximum limit of such fines shall be not less than EUR 10 000 000 where those offences involve funds or economic resources of a value of at least EUR 100 000.</u> Those additional penalties shall <u>also</u> include:</p> <ul style="list-style-type: none"> <li><u>(a) withdrawal of permits and authorisations to pursue activities which have resulted in committing the offence;</u></li> <li><u>(b) disqualification from exercising a leading position within a legal person of the type used for committing the offence;</u></li> <li><u>(c) temporary bans on running for elected or public office;</u></li> <li><u>(d) where there is a public interest, publication of all or part of the judicial decision that relates to the criminal offence committed and the sanctions or measures imposed following a case-by-case assessment. The personal data of convicted persons may be published only in duly justified exceptional cases</u><del>fines.</del><u>]]</u></li> </ul>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<div data-bbox="1182 154 1552 518">PUBLIC</div>	<p>related recital for penalties: recital (10)</p> <p>additional penalties: related to the environmental crimes' Directive</p> <p>CON: fines mandatory and recital for the rest? (as in the AMLcriminal 2018) and a "may-clause"for the rest  CON: "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 which shall include additional or alternative fines]."</p> <p>EP: points (a) and (b) important  CON: ok for (a),(b) and (c) if may  COM and CON: point "c" : "not elected position" - changes in envicrime</p> <p>COM proposal for (d): where there is a public interest, publication of all or part of the judicial decision that relates to the criminal offence committed and the sanctions or measures imposed following a case-by-case assessment. The personal data of convicted persons may be published only in duly justified exceptional cases. (like in the envicrime's Directive)</p> <p>trilogue</p> <p>Text Origin: EP Mandate</p>
Article 6				



	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
96	Article 6 Liability of legal persons	Article 6 Liability of legal persons	Article 6 Liability of legal persons	Article 6 Liability of legal persons  Text Origin: Commission Proposal
Article 6(1)				
97	(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:	(1) Member States shall <del>take the necessary measures to</del> ensure that legal persons can be held liable for offences referred to in Articles 3 and 4 <u>where such offences have been committed for their benefit by any person who has a leading position within the legal person</u> , acting either individually or as part of an organ of <del>the legal person, and having a leading position within</del> the legal person, based on:	(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:	(1) Member States shall <del>take the necessary measures to</del> ensure that legal persons can be held liable for offences referred to in Articles 3 and 4 <u>where such offences have been committed for their benefit by any person who has a leading position within the legal person</u> , acting either individually or as part of an organ of <del>the legal person, and having a leading position within</del> the legal person, based on:  Text Origin: Council Mandate TM1 07092023-confirmation during the second trilogue 26092023
Article 6(1), point (a)				
98	(a) a power of representation of the legal person;	(a) a power of representation of the legal person;	(a) a power of representation of the legal person;	(a) a power of representation of the legal person;  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 6(1), point (b)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
99	(b) an authority to take decisions on behalf of the legal person;	(b) an authority to take decisions on behalf of the legal person;	(b) an authority to take decisions on behalf of the legal person;	(b) an authority to take decisions on behalf of the legal person;  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 6(1), point (c)				
100	(c) an authority to exercise control within the legal person.	(c) an authority to exercise control within the legal person.	(c) an authority to exercise control within the legal person.	(c) an authority to exercise control within the legal person.  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 6(2)				
101	(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.	(2) Member States shall also <del>take the necessary measures to</del> ensure that legal persons can be held liable where the lack of supervision or control by a person referred to in paragraph 1 <del>of this Article</del> has made possible the commission, <del>by a person under its authority, of any of the criminal offences</del> <u>of an offence</u> referred to in <del>Article</del> <u>Articles</u> 3 and 4 for the benefit of <del>that</del> <u>the</u> legal person <u>by a person under its authority</u> .	(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.	(2) Member States shall also <del>take the necessary measures to</del> ensure that legal persons can be held liable where the lack of supervision or control by a person referred to in paragraph 1 <del>of this Article</del> has made possible the commission, <del>by a person under its authority, of any of the criminal offences</del> <u>of an offence</u> referred to in <del>Article</del> <u>Articles</u> 3 and 4 for the benefit of <del>that</del> <u>the</u> legal person <u>by a person under its authority</u> .  Text Origin: Council Mandate TM1 07092023-confirmation during the second trilogue 26092023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 6(3)			
G	102	(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.	(3) Liability of legal persons under paragraphs 1 and 2 of this Article shall not exclude <del>the possibility of</del> criminal proceedings against natural persons who are perpetrators, inciters or accessories in the offences referred to in Articles 3 and 4.	(3) Liability of legal persons under paragraphs 1 and 2 of this Article shall not exclude <del>the possibility of</del> criminal proceedings against natural persons who are perpetrators, inciters or accessories in the offences referred to in Articles 3 and 4.  Text Origin: Council Mandate TM1 07092023-confirmation during the second trilogue 26092023
	Article 7			
G	103	Article 7 Penalties for legal persons	Article 7 <del>Penalties</del> <u>Sanctions</u> for legal persons	Article 7 <del>Penalties</del> <u>Sanctions</u> for legal persons  Text Origin: EP Mandate TM1 07092023-confirmation during the second trilogue 26092023
	Article 7(1)			
R	104	(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	(1) Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article <del>7</del> <u>is subject to 6</u> <del>is punishable</del> <u>by</u> effective, proportionate and dissuasive <del>penalties, which shall include</del> criminal or non-criminal	(1) Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article <del>7</del> <u>6</u> is subject to effective, proportionate and dissuasive <del>penalties</del> <u>sanctions</u> , which shall include criminal or non-criminal  "may -clause": to be solved at political level  trilogue  TM1 07092023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	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:	<del> 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</del> <u>sanctions or measures , which shall include criminal or non-criminal fines and may include other criminal or non-criminal sanctions or measures</u> , such as:	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 <del>penalties</del> <u>sanctions</u> , such as:	TM3 20092023 TM4 09102023 TM5 23102023
	Article 7(1), point (-a)			
R	104a	<u>(a-1) exclusion from entitlement to public benefits or aid;</u>		trilogue TM1 07092023 TM3 20092023 TM5 23102023
	Article 7(1), point (-b)			
R	104b	<u>(a-2) exclusion from access to public funding, including tender procedures, grants and concessions;</u>		trilogue TM1 07092023 TM3 20092023 TM5 23102023
	Article 7(1), point (a)			
G	105	(a) disqualification from the practice of business activities;	(a) <u>temporary or permanent</u> disqualification from the practice of business activities;	(a) disqualification from the practice of business activities;  Text Origin: Commission

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Proposal-confirmation during the second trilogue 26092023
Article 7(1), point (b)				
106	(b) withdrawal of permits and authorisations to pursue activities which have resulted in committing the offence;	(b) withdrawal of permits and authorisations to pursue activities which have resulted in committing the offence;	(b) withdrawal of permits and authorisations to pursue activities which have resulted in committing the offence;	(b) withdrawal of permits and authorisations to pursue activities which have resulted in committing the offence;  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 7(1), point (c)				
107	(c) placing under judicial supervision;	(c) placing under judicial supervision;	(c) placing under judicial supervision;	(c) placing under judicial supervision;  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 7(1), point (d)				
108	(d) judicial winding-up;	(d) judicial winding-up;	(d) judicial winding-up;	(d) judicial winding-up;  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 7(1), point (e)				
109	(e) closure of establishments, which have been used for committing the criminal offence.	(e) closure of establishments, which have been used for committing the criminal offence.	(e) closure of establishments, which have been used for committing the criminal offence.	(e) closure of establishments, which have been used for committing the criminal offence.

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 7(1), point (ea)				
109a			<u>(ea) national or Union-wide publication of the judicial decision relating to the conviction or any sanctions or measures applied, including by referring such judicial decision, sanctions or measures to relevant Union institutions.</u>	<p><u>(ea) (ea) where there is a public interest, publication of all or part of the judicial decision that relates to the criminal offence committed and the sanctions or measures imposed, without prejudice to rules on privacy and the protection of personal data</u></p> <p>same discussions in the environmental crimes' Directive</p> <p>COM proposal: (ea) where there is a public interest, publication of all or part of the judicial decision that relates to the criminal offence committed and the sanctions or measures imposed, without prejudice to rules on privacy and the protection of personal data</p> <p>new green line</p> <p>TM1 07092023 TM3 20092023 TM5 23102023</p>
Article 7(2)				
110	(2) Member States shall take the necessary measures to ensure that	(2) Member States shall take the necessary measures to ensure that <sub>1</sub>	(2) Member States shall take the necessary measures to ensure that	trilogue

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	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.	for legal persons held liable pursuant to Article <del>7 the criminal</del> <u>6</u> , offences referred to in Article <del>3(2), points (h) (iii) to (v)</del> <u>3(1)</u> are punishable by <u>criminal or non-criminal</u> fines, the <del>maximum limit</del> <u>amount</u> of which <del>should be not less than 1 percent</del> <u>shall be proportionate to the seriousness</u> of the <del>total worldwide turnover</del> <u>conduct and to the individual, financial and other circumstances</u> of the legal person <del>in the business year preceding the fining decision</del> <u>concerned. Member States shall take the necessary measures to ensure that the maximum level of the fines is not less than:</u>	for legal persons held liable pursuant to Article <del>7</del> <u>6</u> the criminal offences referred to in Article 3(2), points (h) (iii) to <del>4</del> <u>(va)</u> , are punishable by fines, the maximum limit of which should be not less than <del>1</del> <u>five</u> percent of the <del>total</del> <u>consolidated</u> worldwide turnover of the legal person in the business year preceding the fining decision.	TM1 07092023 TM3 20092023 TM4 09102023 TM5 23102023
Article 7(2a)				
R 110a		<u>(a) 1 percent of the total worldwide turnover of the legal person, either in the business year preceding the one in which the offence was committed, or in the business year preceding the fining decision, for offences referred to in Article 3(1), points (h) (iii) to (iv), and 5 percent of the total worldwide turnover of the legal person, either in the business year preceding the one in which the offence was committed, or in the business year preceding the fining decision, for offences referred to in Article 3(1) points (a)</u>		trilogue TM1 07092023 TM3 20092023 TM4 09102023 TM5 23102023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>to (g), (h)(i) and (ii), and point (i);</u>		
	Article 7(2b)			
R	110b	<u>or, alternatively</u>		trilogue TM1 07092023 TM3 20092023 TM4 09102023 TM5 23102023
	Article 7(2c)			
R	110c	<u>(b) an amount corresponding to EUR 8 million for offences referred to in Article 3(1), points (h) (iii) to (iv) and EUR 40 million for offences referred to in Article 3(1) points (a) to (g), (h)(i) and (ii), and point (i).</u>		trilogue TM1 07092023 TM3 20092023 TM4 09102023 TM5 23102023
	Article 7(2d)			
R	110d	<u>When providing for fines pursuant to Article 7(2) point (a), Member States may provide for rules for cases where it is not possible to determine the amount of the fine on the basis of the total worldwide turnover of the legal person in the business year preceding the one in which the offence was committed, or in the business year preceding the fining</u>		trilogue TM1 07092023 TM3 20092023 TM4 09102023 TM5 23102023



	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>decision.</u>		
	Article 7(3)			
R	111  (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.	<i>deleted</i>	(3) Member States shall take the necessary measures to ensure that for legal persons held liable pursuant to Article <del>7</del> <u>6</u> the criminal offences referred to in Article 3(2), points (a) to (f), <u>points</u> (h)(i) and (ii), and point (i), are punishable by fines, the maximum limit of which should be not less than <del>5</del> <u>15</u> percent of the <del>total</del> <u>consolidated</u> worldwide turnover of the legal person in the business year preceding the fining decision.	trilogue  TM3 20092023 TM4 09102023 TM5 23102023
	Article 8			
G	112  Article 8 Aggravating circumstances	Article 8 Aggravating circumstances	Article 8 Aggravating circumstances	Article 8 Aggravating circumstances  Text Origin: Commission Proposal
	Article 8, first paragraph			
Y	113  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	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	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	related to recital 12  CON's proposal: Member States shall take the necessary measures to ensure that, in relation to the relevant offences referred to in Articles 3 and 4, one or

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	ensure that one or several of the following circumstances may be regarded as aggravating circumstances:	ensure that one or several of the following circumstances may, <u>in accordance with the relevant provisions of national law</u> , be regarded as aggravating circumstances:	ensure that <del>one or several of</del> the following circumstances may be regarded as aggravating circumstances:	several of the following circumstances may, in accordance with the relevant provisions of national law, be regarded as aggravating circumstances  Council to revert EP to revert  TM1 07092023 TM5 23102023
Article 8, first paragraph, point (-a)				
113a			<u>(-a) (-a) the offence was committed in violation of a Union restrictive measure imposed in relation to crimes within the jurisdiction of the International Criminal Court including the crime of genocide, crimes against humanity, war crimes and the crime of aggression or of a Union restrictive measure imposed in relation to serious human rights violations and abuses;</u>	<u>(-a) The restrictive measure was imposed/ [the offence was committed in violation of a union restrictive measure] in the context of an armed conflict or in connection with a [generalised situation of human rights violations];</u>  CON's proposal: The restrictive measure was imposed/ [the offence was committed in violation of a union restrictive measure] in the context of an armed conflict or in connection with a [generalised situation of human rights violations]; COM to check CON's proposal  Commission to revert  TM1 07092023 TM5 23102023
Article 8, first paragraph, point (a)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G	<p>114</p> <p>(a) the offence was committed in the framework of a criminal organisation within the meaning of Council Framework Decision 2008/841/JHA<sup>1</sup>;</p> <p>1. 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.</p>	<p>(a) the offence was committed in the framework of a criminal organisation within the meaning of Council Framework Decision 2008/841/JHA<sup>1</sup>;</p> <p>1. 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.</p>	<p>(a) the offence was committed in the framework of a criminal organisation within the meaning of Council Framework Decision 2008/841/JHA<sup>1</sup>;</p> <p>1. 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.</p>	<p>(a) the offence was committed in the framework of a criminal organisation within the meaning of Council Framework Decision 2008/841/JHA<sup>1</sup>;</p> <p>1. 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.</p> <p>Text Origin: Commission Proposal-confirmation during the second trilogue 26092023</p>
Article 8, first paragraph, point (aa)				
G	114a		<p><u>(aa) the offence involves the export of military technology or equipment as defined in Council Common Position 2008/944/CFSP;</u></p>	<p><u>(aa) deleted</u></p> <p>related with Article 5 paragraph 4(a) (line 94a)</p> <p>new green line</p> <p>TM1 07092023 TM5 23102023</p>
Article 8, first paragraph, point (ab)				
Y	114b		<p><u>(ab) the offence involved serious acts of corruption or the use of false or forged documents;</u></p>	<p><u>(ab) [the offence involved the use by the offender of false or forged documents];</u></p> <p>as in the envicrime's Directive</p> <p>Council to revert</p>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: EP Mandate TM5 23102023
Article 8, first paragraph, point (b)				
G 115	(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 his <u>or her</u> professional obligations;	(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 <del>his</del> <u>the</u> professional obligations <u>of such professional service provider</u> ;  Text Origin: Council Mandate TM1 07092023-confirmation during the second trilogue 26092023
Article 8, first paragraph, point (c)				
Y 116	(c) the offence was committed by a public official when performing his or her duties;	(c) the offence was committed by a public official when performing his or her duties; <u>or another person performing a public function.</u>	(c) the offence was committed by a public official, <u>whether a member of the civil service or the government including at the highest level</u> , when performing his or her duties;	related to definitions in Art2 (two definitions from EP)  EP ok to have line 116 and 117 (like the Council) together if there is a specific recital on agg.circumstances like recital 10 of PIF's Directive  PIF's Directive: recital (10) As regards the criminal offences of passive corruption and misappropriation, there is a need to include a definition of public officials covering all relevant officials, whether holding a formal office in the Union, in the Member States or in third countries. Private persons are increasingly involved in the

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			PUBLIC	<p>management of Union funds. In order to protect Union funds adequately from corruption and misappropriation, the definition of 'public official' therefore needs to cover persons who do not hold formal office but who are nonetheless assigned and exercise, in a similar manner, a public service function in relation to Union funds, such as contractors involved in the management of such funds.</p> <p>EP to propose a draft for a related recital</p> <p>EP to revert Council to revert</p> <p>TM1 07092023 TM5 23102023</p>
Article 8, first paragraph, point (d)				
Y	117	(d) the offence was committed by another person when performing a public function.	<i>deleted</i>	<p>(d) the offence was committed by another person when performing a public function.</p> <p>related to line 116</p> <p>EP to revert</p> <p>TM1 07092023 TM5 23102023</p>
Article 8, first paragraph, point (da)				
Y	117a		<u>(da) the offence generated or was expected to generate substantial financial benefits, or avoided substantial expenses, directly or indirectly;</u>	<u>(da) the offence generated or was expected to generate substantial financial benefits, or avoided substantial expenses, directly or indirectly, to the extent that they</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			PUBLIC	<p><u>can be determined;</u></p> <p>EP: the offence generated or was expected to generate substantial financial benefits, or avoided substantial expenses, directly or indirectly, to the extent that they can be determined (envicrime)</p> <p>Council to revert</p> <p>TM1 07092023 TM5 23102023</p>
	Article 8, first paragraph, point (db)			
y	117b		<p><u>(db) the offender actively obstructs the inspection, custom controls or investigation activities, destroys evidence, or intimidates or interferes with witnesses or complainants;</u></p>	<p><u>(db) [the offender evidence, or intimidates or influences witnesses or complainants]</u></p> <p>EP : the offender evidence, or intimidates or influences witnesses or complainants (rnvicrime)</p> <p>Council to revert</p> <p>TM1 07092023 TM5 23102023</p>
	Article 8, first paragraph, point (dc)			
g	117c		<p><u>(dc) the offender does not provide assistance to inspection and other enforcement authorities when legally required;</u></p>	<p><u>(dc) deleted</u></p> <p>new green line</p> <p>TM1 07092023 TM5 23102023</p>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 8, first paragraph, point (dd)			
G	117d		<u>(dd) in the case of legal persons, the offence was committed by a person having a leading position within the legal person concerned;</u>	<u>(dd) deleted</u>  already in article 6 (1) (line 97)  new green line  TM1 07092023 TM5 23102023
	Article 8, first paragraph, point (de)			
G	117e		<u>(de) the natural or legal person has previously committed offences covered by Articles 3 and 4.</u>	<u>(de) the natural or legal person has previously been definitively convicted for offences covered by Articles 3 and 4.</u>  Text Origin: EP Mandate TM1 07092023-confirmation during the second trilogue 26092023
	Article 9			
G	118	Article 9 Mitigating circumstance	Article 9 Mitigating circumstance	Article 9 Mitigating <del>circumstance</del> <u>circumstances</u>  Text Origin: Commission Proposal
	Article 9, first paragraph			
Y	119			

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>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:</p>	<p>Provided this is not already an obligation under Union restrictive measures, Member States <del>shall</del> <u>may</u> take the necessary measures to ensure that, in relation to the offences referred to in Articles 3 and 4, <u>and in accordance with the relevant provisions of national law, it the following</u> may be regarded as a mitigating circumstance: <u>that the offender provides the competent authorities with information they would not otherwise have been able to obtain, helping them to identify or bring to justice the other offenders or provides the competent authorities with information they would not otherwise have been able to obtain, helping them to find evidence.</u></p>	<p><u>1.</u> 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 <u>circumstances</u> may be regarded as a mitigating circumstance:</p>	<p>to stick to COM</p> <p>to stick to COM's structure</p> <p>Council to revert EP to revert</p> <p>TM1 07092023 TM5 23102023</p>
Article 9, first paragraph, point (a)				
120	<p>(a) the offender provides the competent authorities with information they would not otherwise have been able to obtain, helping them to identify or bring to justice the other offenders;</p>	<p><i>deleted</i></p>	<p>(a) the offender provides the competent authorities with information they would not otherwise have been able to obtain, helping them to identify or bring to justice the other offenders;</p>	<p>Council to revert EP to revert</p> <p>TM1 07092023</p>
Article 9, first paragraph, point (b)				
121	<p>(b) the offender provides the competent authorities with information they would not</p>	<p><i>deleted</i></p>	<p>(b) the offender provides the competent authorities with information they would not</p>	<p>EP to revert Council to revert</p>



	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	otherwise have been able to obtain, helping them to find evidence.		otherwise have been able to obtain, helping them to find evidence.	TM1 07092023
Article 9, first paragraph, point (ba)				
121a			<u>(ba) the offender reports the offence to the competent authorities, before the offence is detected by the competent authorities;</u>	<p>to add it at the end of (a)? : to discuss:  EP to propose a new draft  EP: Member States should take the necessary measures to ensure that, in the assessment of mitigating circumstances, 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</p> <p>Council to revert EP to revert</p> <p>TM1 07092023  TM5 23102023</p>
Article 9, first paragraph a				
121b			<u>1a. Member States shall take the necessary measures to ensure that, in the assessment of mitigating circumstances, 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</u>	<p>related to recital 12</p> <p>EP to revert</p> <p>TM1 07092023  TM5 23102023</p>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 10				
122	Article 10 Freezing and confiscation	Article 10 Freezing and confiscation	Article 10 Freezing and confiscation	Article 10 Freezing and confiscation  Text Origin: Commission Proposal
Article 10, first paragraph -a				
122a		<u>(1) Member States shall take the necessary measures to enable the freezing and confiscation of instrumentalities and proceeds from the criminal offences referred to in Articles 3 and 4. Member States bound by Directive 2014/42/EU of the European Parliament and of the Council shall do so in accordance with that Directive.</u>		<u>Member States shall take the necessary measures to enable the freezing and confiscation of instrumentalities and proceeds from the criminal offences referred to in Articles 3 and 4. Member States bound by Directive 2014/42/EU of the European Parliament and of the Council shall do so in accordance with that Directive.</u>  new green line  Text Origin: Council Mandate TM5 23102023
Article 10, first paragraph				
123	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),	<u>(2) Member States shall <b>also</b> take the necessary measures to <del>ensure</del> <b>that enable the freezing and confiscation of</b> funds or economic resources subject to Union restrictive measures in respect of which the designated <b>natural</b> person, <b>or the representative of a designated</b> entity</u>	<u>1. 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),</u>	<u>(2) [Member States shall also take the necessary measures to enable the freezing and confiscation of funds or economic resources subject to Union restrictive measures in respect of which the designated natural person, or the representative of a designated entity</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>are considered as ‘proceeds’ of crime for the purposes of Directive (EU) [...] [Directive on asset recovery and confiscation].</p>	<p>or body, commits or participates in an offence referred to in Article <del>3(2)</del><u>3 (1)</u>, points (h)(i) or (ii), <del>are considered as ‘proceeds’ of crime.</del>  <u>Member States shall do so in accordance with the safeguards set out in Directive 2014/42/EU, including the respect for the purposes of Directive (EU) [.../...]</u>  <del>{Directive on asset recovery and confiscation}</del><u>principle of proportionality in individual cases.</u>  <u>This paragraph shall not prejudice the rights of bona fide third parties.</u></p>	<p>are considered as ‘proceeds’ of crime for the purposes of Directive (EU) [...] <u>of the European Parliament and the of the Council</u> [Directive on asset recovery and confiscation].</p>	<p><u>or body, commits or participates in an offence referred to in Article 3(1), points (h)(i) or (ii).</u>  <u>Member States shall do so in accordance with</u> <del>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) [.../...]</del>  <del>{Directive on asset recovery and confiscation</del><u>2014/42/EU}</u>:-</p> <p>COM's proposal: (2) Member States shall also take the necessary measures to ensure that enable the freezing and confiscation of funds or economic resources subject to Union restrictive measures in respect of which the designated natural person, or the representative of a designated entity or body, commits or participates in an offence referred to in Article 3(1), points (h)(i) or (ii). Member States shall do so in accordance with Directive 2014/42/EU</p> <p>Council to revert</p> <p>TM1 07092023 TM5 23102023</p>

Article 10, first paragraph a

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G	123a		<p><u>1a. Member States shall ensure that funds or economic resources subject to Union restrictive measures in respect of which the designated person, entity or body, listed in Council Regulation (EU) No 269/2014<sup>1</sup> and in Council Regulation (EU) No 833/2014<sup>2</sup>, commits or participates in an offence referred to in Article 3(2) of this Directive shall be frozen and confiscated in accordance with Articles 11 to 18a of Directive [on asset recovery and confiscation].</u></p> <p><u>1. Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 78, 17.3.2014, p. 6).</u></p> <p><u>2. Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 229, 31.7.2014, p. 1).</u></p>	<p><del>deleted</del></p> <p>new green line</p> <p>TM1 07092023 TM5 23102023</p>
Article 10, fourth paragraph				
R	123b		<p><u>1b. 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</u></p>	<p>related to the ARC's Directive COM and CON : better to address this in the ARC's Directive</p> <p>Council to revert EP to revert</p> <p>TM1 07092023</p>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<i>interests at stake are directly or indirectly affected by the criminal activities covered by this Directive and by the Directive [on asset recovery and confiscation].</i>	TM5 23102023
Article 11				
124	Article 11 Jurisdiction rules	Article 11 Jurisdiction rules	Article 11 Jurisdiction rules	Article 11 Jurisdiction rules  Text Origin: Commission Proposal
Article 11(1)				
125	(1) Each Member State shall take the necessary measures to establish its jurisdiction over the criminal offences referred to in Articles 3 and 4 where:	(1) <del>Each</del> Member <del>State</del> <u>States</u> shall take the necessary measures to establish <del>its</del> <u>their</u> jurisdiction over the criminal offences referred to in Articles 3 and 4 where:	(1) Each Member State shall take the necessary measures to establish its jurisdiction over the criminal offences referred to in Articles 3 and 4 where:	(1) <del>Each</del> Member <del>State</del> <u>States</u> shall take the necessary measures to establish <del>its</del> <u>their</u> jurisdiction over the criminal offences referred to in Articles 3 and 4 where:  Text Origin: Council Mandate TM2 08092023-confirmation during the second trilogue 26092023
Article 11(1), point (a)				
126	(a) the criminal offence was committed in whole or in part within its territory, including its airspace;	(a) the criminal offence was committed in whole or in part within its territory, <del>including its airspace</del> ;	(a) the criminal offence was committed in whole or in part within its territory, including its airspace <u>and territorial sea</u> ;	(a) the criminal offence was committed in whole or in part within its territory, <del>including its airspace</del> ;  Text Origin: Council Mandate-confirmation during the second trilogue 26092023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 11(1), point (b)			
G	127 (b) the criminal offence was committed on board of any aircraft or any vessel under the jurisdiction of a Member State;	(b) the criminal offence was committed on board <del>of any aircraft or any vessel under the jurisdiction of a Member State</del> <u>a ship or an aircraft registered in it or flying its flag</u> ;	(b) the criminal offence was committed on board of any aircraft or any vessel under the jurisdiction of a Member State;	(b) the criminal offence was committed on board <del>of any aircraft or any vessel under the jurisdiction of a Member State</del> <u>a ship or an aircraft registered in it or flying its flag</u> ;  Text Origin: Council Mandate TM2 08092023-confirmation during the second trilogue 26092023
	Article 11(1), point (c)			
Y	128 (c) the offender is one of its nationals or habitual residents;	(c) the offender is one of its nationals <del>or habitual residents</del> ;	(c) the offender is one of its nationals or habitual residents;	related to envicrime  TM2 08092023 TM5 23102023
	Article 11(1), point (d)			
R	129 (d) the offender is one of its officials who acts in his or her official duty;	deleted	(d) the offender is one of its officials who acts in his or her official duty;	Council to revert EP to revert  TM2 08092023 TM5 23102023
	Article 11(1), point (e)			
R	130 (e) the offence is committed for the benefit of a legal person which is	deleted	(e) the offence is committed for the benefit of a <u>natural or</u> legal person	EP to revert Council to revert

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	established on its territory;		which is established on its territory;	TM2 08092023 TM5 23102023
Article 11(1), point (f)				
R 131	(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.	<i>deleted</i>	(f) the offence is committed for the benefit of a <u>natural or</u> legal person in respect of any business done in whole or in part on its territory.	EP to revert Council to revert TM2 08092023 TM5 23102023
Article 11(1), point (fa)				
R 131a		<u>(1a) A Member State shall inform the Commission where it decides to extend its jurisdiction to one or more offences referred to in Articles 3 and 4 which have been committed outside its territory, where:</u>		EP to revert Commission to revert Council to revert TM2 08092023 TM5 23102023
Article 11(1), point (fb)				
R 131b		<u>(a) the offender is one of its habitual residents;</u>		trilogue TM2 08092023 TM5 23102023
Article 11(1), point (fc)				
R 131c		<u>(b) the offender is one of its officials who acts in his or her official duty;</u>		EP to revert Council to revert

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				TM2 08092023 TM5 23102023
	Article 11(1), point (fd)			
R	131d	<u>(c) the offence is committed for the benefit of a legal person which is established on its territory;</u>		EP to revert Council to revert TM2 08092023 TM5 23102023
	Article 11(1), point (fe)			
R	131e	<u>(d) 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.</u>		EP to revert Council to revert TM2 08092023 TM5 23102023
	Article 11(2)			
G	132	(2) Where an offence referred to in Articles 3 and 4 falls within the jurisdiction of more than one Member State, these Member States shall cooperate to determine which Member State is to conduct criminal proceedings. The matter shall, where appropriate, be referred to Eurojust in accordance with Article 12 of Council Framework Decision 2009/948/JHA <sup>1</sup> .  1. Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of	(2) Where an offence referred to in Articles 3 and 4 falls within the jurisdiction of more than one Member State, these Member States shall cooperate to determine which Member State is to conduct criminal proceedings. The matter shall, where appropriate, be referred to Eurojust in accordance with Article 12 of Council Framework Decision 2009/948/JHA <sup>1</sup> .  1. Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of	(2) Where an offence referred to in Articles 3 and 4 falls within the jurisdiction of more than one Member State, these Member States shall cooperate to determine which Member State is to conduct criminal proceedings. The matter shall, where appropriate, be referred to Eurojust in accordance with Article 12 of Council Framework Decision 2009/948/JHA <sup>1</sup> .  1. Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of



	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	exercise of jurisdiction in criminal proceedings, OJ L 328 of 15.12.2009, p. 42.	exercise of jurisdiction in criminal proceedings, OJ L 328 of 15.12.2009, p. 42.	exercise of jurisdiction in criminal proceedings, OJ L 328 of 15.12.2009, p. 42.	exercise of jurisdiction in criminal proceedings, OJ L 328 of 15.12.2009, p. 42.  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 11(3)				
133	(3) In cases referred to in paragraph 1, point (c), Member States shall take the necessary measures to ensure that the exercise of their jurisdiction is not subject to the condition that a prosecution can be initiated only following a report made by the victim in the place where the criminal offence was committed, or a denunciation from the State of the place where the criminal offence was committed.	(3) In cases referred to in paragraph 1, point (c), Member States shall take the necessary measures to ensure that the exercise of their jurisdiction is not subject to the condition that a prosecution can be initiated only following a <del>report made by the victim in the place where the criminal offence was committed, or a</del> denunciation from the State of the place where the criminal offence was committed.	(3) In cases referred to in paragraph 1, point (c), Member States shall take the necessary measures to ensure that the exercise of their jurisdiction is not subject to the condition that a prosecution can be initiated only following a report made by the victim in the place where the criminal offence was committed, or a denunciation from the State of the place where the criminal offence was committed.	(3) In cases referred to in paragraph 1, point (c), Member States shall take the necessary measures to ensure that the exercise of their jurisdiction is not subject to the condition that a prosecution can be initiated only following a <del>report made by the victim in the place where the criminal offence was committed, or a</del> denunciation from the State of the place where the criminal offence was committed.  Text Origin: Council Mandate TM2 08092023-confirmation during the second trilogue 26092023
Article 12				
134	Article 12 Limitation periods	Article 12 Limitation periods	Article 12 Limitation periods	Article 12 Limitation periods  Text Origin: Commission Proposal
Article 12(1)				
135				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	(1) Member States shall take the necessary measures to provide for a limitation period that enables the investigation, prosecution, trial and judicial decision of criminal offences referred to in Articles 3 and 4 for a sufficient period of time after the commission of those criminal offences, so that those criminal offences can be tackled effectively.	(1) Member States shall take the necessary measures to provide for a limitation period that enables the investigation, prosecution, trial and judicial decision of criminal offences referred to in Articles 3 and 4 for a sufficient period of time after the commission of those criminal offences, so that those criminal offences can be tackled effectively.	(1) Member States shall take the necessary measures to provide for a limitation period that enables the investigation, prosecution, trial and judicial decision of criminal offences referred to in Articles 3 and 4 for a sufficient period of time after the commission of those criminal offences, so that those criminal offences can be tackled effectively.	(1) Member States shall take the necessary measures to provide for a limitation period that enables the investigation, prosecution, trial and judicial decision of criminal offences referred to in Articles 3 and 4 for a sufficient period of time after the commission of those criminal offences, so that those criminal offences can be tackled effectively.  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 12(2)				
136	(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.	(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.	(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.	(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.  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 12(3)				
137	(3) By way of derogation from paragraph 2, Member States may	<i>deleted</i>	(3) By way of derogation from paragraph 2, Member States may	(3) <del>By way of derogation from paragraph 2, Member States may</del>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	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.		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.	<del>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.</del> <u>deleted</u>  new green line  TM2 08092023 TM5 23102023
Article 12(4), first subparagraph				
138	Member States shall take the necessary measures to enable the enforcement of:	<u>(3)</u> Member States shall take the necessary measures to enable the enforcement of:	<u>(4)</u> Member States shall take the necessary measures to enable the enforcement of:	Member States shall take the necessary measures to enable the enforcement of:  new green line  Text Origin: Council Mandate TM5 23102023
Article 12(4), first subparagraph, point (a)				
139	(a) a penalty of more than one year of imprisonment; or alternatively	(a) a penalty of more than one year of imprisonment; or alternatively	(a) a penalty of more than one year of imprisonment; or alternatively	(a) a penalty of more than one year of imprisonment; or alternatively  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 12(4), first subparagraph, point (b)				
140	(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	(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

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	punishable by a maximum penalty of at least four years of imprisonment,	punishable by a maximum penalty of at least <del>four</del> <u>five</u> years of imprisonment,	punishable by a maximum penalty of at least <del>four</del> <u>five</u> years of imprisonment,	punishable by a maximum penalty of at least <del>four</del> <u>five</u> years of imprisonment,  Text Origin: EP Mandate TM2 08092023-confirmation during the second trilogue 26092023
Article 12(4), second subparagraph				
141	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.	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. <del>That period may include extensions of the limitation period arising from interruption or suspension.</del>	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.	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. <del>That period may include extensions of the limitation period arising from interruption or suspension.</del>  new green line  Text Origin: Council Mandate TM5 23102023
Article 12(4a)				
141a		<u>(4) By way of derogation from paragraphs 2 and 3, 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.</u>		<u>4a. By way of derogation from paragraphs 2 and 3, 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.</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				new green line Text Origin: Council Mandate TM5 23102023
	Article 13			
G	142 Article 13 Coordination and cooperation between competent authorities within a Member State	Article 13 Coordination and cooperation between competent authorities within a Member State	Article 13 Coordination and cooperation between competent authorities within a Member State	Article 13 Coordination and cooperation between competent authorities within a Member State  Text Origin: Commission Proposal
	Article 13, first paragraph			
R	143 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.	Member States shall take the necessary measures to establish appropriate mechanisms for coordination and cooperation <del>at strategic and operational levels</del> among all their competent administrative, law enforcement and judicial authorities.	<u>Each</u> Member <del>States</del> <u>State</u> shall <u>set up or designate a dedicated unit body for the purpose of</u> <del>take the necessary measures to establish appropriate mechanisms for</del> coordination and cooperation at strategic and operational levels among all their competent administrative, law enforcement and judicial authorities <u>within a Member State</u> .	EP can be open for: "MS shall designate (and not set up ) a dedicated unit body"  CON: proposal: appropriate mechanisms in para 1 / in para 2: list of mandatory aim (but not tasks): CON to provide a draft (close to COM's text)  EP to revert back to the CON's proposal  EP to revert Council to revert  TM2 08092023 TM5 23102023
	Article 13, second paragraph			
R	144 Such mechanisms shall be aimed at	Such mechanisms <del>shall be aimed at</del>	<del>Such mechanisms shall be aimed at</del>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	least at:	<del>least at</del> <u>could include</u> :	<del>least at</del> <u>The dedicated body referred to in the first subparagraph shall have the following tasks:</u>	EP to revert Council to revert TM2 08092023 TM5 23102023
Article 13, second paragraph, point (a)				
Y	145 (a) ensuring common priorities and understanding of the relationship between criminal and administrative enforcement;	(a) ensuring common priorities and understanding of the relationship between criminal and administrative enforcement;	(a) <del>ensuring</del> <u>to ensure</u> common priorities and understanding of the relationship between criminal and administrative enforcement;	Council to revert EP to revert TM2 08092023 TM5 23102023
Article 13, second paragraph, point (b)				
Y	146 (b) exchange of information for strategic and operational purposes;	(b) exchange of information for strategic and operational purposes, <u>within the limits set out in applicable rules</u> ;	(b) <u>to</u> exchange of information for strategic and operational purposes;	EP to revert Council to revert TM2 08092023 TM5 23102023
Article 13, second paragraph, point (c)				
Y	147 (c) consultation in individual investigations;	(c) consultation in individual investigations, <u>within the limits set out in applicable rules</u> ;	(c) <del>consultation</del> <u>to consult</u> in individual investigations;	EP to revert Council to revert TM2 08092023 TM5 23102023
Article 13, second paragraph, point (d)				
Y	148 (d) the exchange of best practices;	(d) the exchange of best practices;	(d) <del>the to</del> exchange <del>of</del> best practices;	EP to revert Council to revert TM2 08092023 TM5 23102023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article 13, second paragraph, point (e)			
Y	149 (e) assistance to networks of practitioners working on matters relevant to investigating and prosecuting offences related to the violation of Union restrictive measures.	(e) assistance to <del>networks of</del> practitioners working on matters relevant to investigating and prosecuting offences related to the violation of Union restrictive measures.	(e) <del>assistance</del> <u>to assist</u> to networks of practitioners working on matters relevant to investigating and prosecuting offences related to the violation of Union restrictive measures.	EP to revert Council to revert TM2 08092023 TM5 23102023
	Article 13, second paragraph, point (ea)			
R	149a		<u>(ea) 1a. 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, and that specialised training is provided to the competent administrative, law enforcement and judicial authorities involved in such tasks.</u>	CON suggests to have this in a recital EP flexible to have it in a recital if new proposal on para1 and 2 is fine Council to revert EP to revert TM2 08092023 TM5 23102023
	Article 13, second paragraph a			
R	149b	<u>and may, as appropriate, take the form of specialised coordination bodies, memoranda of understanding between competent authorities, national enforcement networks and joint training</u>		EP to revert Council to revert TM2 08092023 TM5 23102023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		<u>activities.</u>		
Article 14				
150	Article 14 Reporting of offences and protection of persons who report offences related to the violation of Union restrictive measures or assist the investigation	Article 14 Reporting of <del>offences and protection of persons who report offences related to the violation of Union restrictive measures or assist the investigation</del> <u>violations of Union restrictive measures and protection of persons who report such violations</u>	Article 14 Reporting of offences and protection of persons who report offences related to the violation of Union restrictive measures or assist the investigation	Article 14 Reporting of <del>offences and protection of persons who report offences related to the violation of Union restrictive measures or assist the investigation</del> <u>violations of Union restrictive measures and protection of persons who report such violations</u>  Text Origin: Council Mandate TM2 08092023-confirmation during the second trilogue 26092023
Article 14, first paragraph				
151	Member States shall take the necessary measures to ensure that the protection granted under Directive (EU) 2019/1937 <sup>1</sup> , is applicable to persons reporting criminal offences referred to in Articles 3 and 4 of this Directive.  1. 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.	Member States shall take the necessary measures to ensure that <del>the protection granted under</del> Directive (EU) 2019/1937 <sup>1</sup> ; is applicable to <del>persons</del> <u>the</u> reporting <del>criminal offences</del> <u>of violations of Union restrictive measures</u> referred to in Articles 3 and 4 of this Directive <u>and to the protection of persons reporting such violations, under the conditions established therein.</u>  1. Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October	Member States shall take the necessary measures to ensure that the protection granted under Directive (EU) 2019/1937 <sup>1</sup> , is applicable to persons reporting criminal offences referred to in Articles 3 and 4 of this Directive.  1. 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.	Member States shall take the necessary measures to ensure that <del>the protection granted under</del> Directive (EU) 2019/1937 <sup>1</sup> ; is applicable to <del>persons</del> <u>the</u> reporting <del>criminal offences</del> <u>of violations of Union restrictive measures</u> referred to in Articles 3 and 4 of this Directive <u>and to the protection of persons reporting such violations, under the conditions established therein.</u>  1. Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October



	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		2019 on the protection of persons who report breaches of Union law, OJ L 305, 26.11.2019, p. 17-56.		2019 on the protection of persons who report breaches of Union law, OJ L 305, 26.11.2019, p. 17-56.  Text Origin: Council Mandate TM2 08092023-confirmation during the second trilogue 26092023
Article 15				
152	Article 15 Investigative tools	Article 15 Investigative tools	Article 15 Investigative tools	Article 15 Investigative tools  Text Origin: Commission Proposal
Article 15, first paragraph				
153	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.	Member States shall take the necessary measures to ensure that effective <u>and proportionate</u> investigative tools, <del>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</del> <u>are available for investigating or prosecuting offences referred to in Articles 3 and 4. Where those offences are serious, special investigative tools, such as those used in countering organised crime, shall be available.</u>	Member States shall take the necessary <u>and appropriate</u> 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.	Member States shall take the necessary measures to ensure that effective <u>and proportionate</u> investigative tools, <del>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</del> <u>are available for investigating or prosecuting offences referred to in Articles 3 and 4. Where appropriate, these tools shall include special investigative tools, such as those which are used in countering organised crime or other serious crime cases.</u>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			PUBLIC	<p>EP agrees with "proportionate" (instead of "appropriate")</p> <p>COM suggest to have the same wording as in the environmental crime's Directive:</p> <p>COM drafting proposal: Member States shall take the necessary measures to ensure that effective and proportionate investigative tools are available for investigating or prosecuting offences referred to in Articles 3 and 4. Where appropriate, these tools shall include special investigative tools, such as those which are used in countering organised crime or other serious crime cases.</p> <p>Text Origin: Council Mandate TM3 20092023-confirmation during the second trilogue 26092023</p>
Article 16				
y	154	Article 16 Cooperation between Member States' authorities, the Commission, Europol, Eurojust and the European Public Prosecutor's Office	Article 16 Cooperation between Member States' authorities, the Commission, Europol, Eurojust and the European Public Prosecutor's Office	<p>Article 16 Cooperation between Member States' authorities, the Commission, Europol, Eurojust <del>and</del>, the European Public Prosecutor's Office <u>and the European Anti-Fraud Office</u></p> <p>EP to revert</p> <p>TM2 08092023 TM3 20092023 TM5 23102023</p>
Article 16(1)				
y	155	(1) Without prejudice to the rules on cross-border cooperation and mutual	(1) Without prejudice to the rules on cross-border cooperation and mutual	<p>(1) Without prejudice to the rules on cross-border cooperation and mutual</p> <p>COM drafting proposal:</p>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	<p>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.</p>	<p>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.</p>	<p>legal assistance in criminal matters, Member States' <u><i>national dedicated bodies set up or designated in accordance with [Article 13] of this Directive</i></u><del>authorities</del>, Europol, Eurojust, the <del>European Public Prosecutor's</del> <u><i>EPPO, the European Anti-Fraud</i></u> Office; and the Commission shall, within their respective competences, <u><i>meet regularly in a structured format in order to coordinate and</i></u> cooperate with each other in the fight against the criminal offences referred to in Articles 3 and 4 <u><i>of this Directive</i></u>. To that end, the Commission, <del>and where appropriate, Europol and Eurojust, shall</del> <u><i>shall establish a permanent network of experts and practitioners to share best practices and</i></u> provide technical and operational assistance in order to facilitate the coordination of investigations and prosecutions by the competent authorities, <u><i>Europol and Eurojust, the EPPO, and the European Anti-Fraud Office, in compliance with Union law. That permanent network of experts and practitioners shall also provide a publicly available and regularly updated mapping of the risks of violations or circumvention of Union restrictive measures in specific geographic areas, and with respect to specific sectors and activities.</i></u></p>	<p>1. Where the criminal offences referred to in Articles 3 and 4 are suspected to be of a cross-border nature, the competent authorities of the Member States shall consider referring the information related to these cases to appropriate competent bodies. Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, the Member States, Eurojust, Europol, the European Public Prosecutor's Office, [the European Anti-Fraud Office (OLAF) ] 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 Eurojust and Europol shall, where appropriate, provide such technical and operational assistance as the competent national authorities need to facilitate coordination of their investigations . The Commission may, where appropriate, provide assistance. (COM provided also a new drafting for a recital)</p> <p>EP: third countries and dedicated body not mentioned CON: for third country: no mutual recognition so more difficult</p> <p>CON proposal: 1. Where the criminal offences referred to in Articles 3 and 4 are suspected to be of a cross-border nature, the competent authorities of the Member States shall consider</p>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				<p>referring the information related to those offences to appropriate competent bodies. Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, the Member States, Eurojust, Europol, the European Public Prosecutor's Office, [the European Anti-Fraud Office (OLAF) ] and the Commission shall, where appropriate 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 Eurojust and Europol shall, where appropriate, provide such technical and operational assistance as the competent national authorities need to facilitate coordination of their investigations . The Commission may, where appropriate, provide assistance.</p> <p>EP: cross-border nature, the competent authorities of the Member States shall consider referring the information related to these cases to appropriate competent bodies. Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, the Member States, including the national units designated by the Member States in accordance with [Article 13] of this Directive, Eurojust, Europol, the European Public Prosecutor's Office, [the European Anti-Fraud Office (OLAF)] and the Commission shall, within their respective competences, meet regularly</p>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			PUBLIC	<p>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, Eurojust and Europol shall, where appropriate, provide such technical and operational assistance as the competent national authorities need to facilitate coordination of their investigations and prosecutions. The Commission may, where appropriate, provide assistance. Where relevant, the expert group on Union restrictive measures and extra-territoriality can facilitate this cooperation.</p> <p>1a. When the cooperation referred to in paragraph 1 involves cooperation with competent authorities of third countries, this shall take place with full respect of fundamental rights and international law.</p> <p>2. Member States' competent authorities shall also on a frequent and regular basis regularly share information on practical issues, in particular, on patterns of circumvention, for example e.g. structures to conceal the beneficial ownership and control of assets, with the Commission and other competent authorities.</p> <p><b>EP to revert</b></p> <p>TM2 08092023 TM3 20092023 TM5 23102023</p>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 16(2)				
156	(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, with the Commission and other competent authorities.	(2) Member States' competent authorities shall also <u>on a frequent and regular basis</u> <del>regularly</del> share information on practical issues, in particular, <u>on</u> patterns of circumvention, <u>for example e.g.</u> structures to conceal the beneficial ownership and control of assets, with the Commission and other competent authorities.	<p>EP to revert</p> <p>TM2 08092023 TM5 23102023</p>
Article 16a				
156a			<u>Article 16a</u> <u>International Cooperation</u>	<p>EP to revert</p> <p>TM2 08092023 TM5 23102023</p>
Article 16b				
156b			<u>Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member State's competent authorities, Europol, Eurojust, the EPPO 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</u>	<p>same provision in the environmental crimes' Directive</p> <p>CON new proposal: "Without prejudice to the rules on cross-border cooperation and mutual legal assistance in criminal matters, Member State's competent authorities, Europol, Eurojust, the EPPO and the Commission shall, where appropriate within their respective competences and within the international legal framework,</p>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>full respect of fundamental rights and international law.</u>	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.”  EP to revert  TM2 08092023 TM5 23102023
Article 17				
157	Article 17 Amendments to Directive (EU) 2018/ 1673	Article 17 Amendments to Directive (EU) 2018/ 1673	Article 17 Amendments to Directive (EU) 2018/ 1673 <u>on combating money laundering by criminal law</u>	Article 17 Amendments to Directive (EU) 2018/ 1673 <u>on combating money laundering by criminal law</u>  Text Origin: EP Mandate TM2 08092023-confirmation during the second trilogue 26092023
Article 17, first paragraph				
158	In Article 2(1) of Directive (EU) 2018/1673, the following point is added:	In Article 2(1) of Directive (EU) 2018/1673, the following point is added:	In Article 2(1) of Directive (EU) 2018/1673, the following point is added:	In Article 2(1) of Directive (EU) 2018/1673, the following point is added:  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 17, first paragraph, amending provision, first paragraph				
159				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	(w) violation of Union restrictive measures.	<del>(w)</del> <u>(w)</u> violation of Union restrictive measures.	(w) violation of Union restrictive measures.	(w) <u>(w)</u> violation of Union restrictive measures.  Text Origin: Council Mandate-confirmation during the second trilogue 26092023
Article 18				
G 160	Article 18 Transposition	Article 18 Transposition	Article 18 Transposition	Article 18 Transposition  Text Origin: Commission Proposal
Article 18(1)				
R 161	(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.	(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 <del>six</del> <u>12</u> 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.	(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.	trilogue  TM2 08092023 TM5 23102023
Article 18(2)				
G 162				



	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	(2) When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The method of making such a reference shall be laid down by Member States.	(2) When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The method of making such a reference shall be laid down by Member States.	(2) When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The method of making such a reference shall be laid down by Member States.	(2) When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The method of making such a reference shall be laid down by Member States.  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 18a				
R 162a			<u>Article 18a</u> <u>Statistics</u>	related to Article 19 paragraph 2 (lines 165 and f.)  Council to revert EP to revert  TM2 08092023 TM5 23102023
Article 18a(1)				
R 162b			<u>1. Member States shall collect and maintain comprehensive statistics at central level on the measures taken under this Directive.</u>	PB for the CON: "central level"  Council to revert  TM2 08092023 TM5 23102023
Article 18a(2)				
R 162c				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<p><u>2. Without prejudice to the reporting obligations laid down in other Union legal acts, Member States shall, three times per year for the first two years after ... /six months after the date of entry into force of this Directive], and on an annual basis thereafter, make publicly available and 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:</u></p> <p><u>(a) the number of criminal proceedings initiated;</u>  <u>(b) the number of criminal proceedings dismissed;</u>  <u>(c) the number of criminal proceedings resulting in an acquittal;</u>  <u>(d) the number of criminal proceedings resulting in a conviction;</u>  <u>(e) the number of ongoing criminal proceedings;</u>  <u>(f) the number of criminal proceedings referred to the EPPO;</u>  <u>(g) the average length of criminal proceedings;</u>  <u>(h) the number of criminal proceedings that involved cross-border cooperation among Member States competent authorities.</u></p>	<p>points (a) to (e) : same as in the COM's proposal</p> <p>EP: ok to drop (f) / defend letter (g) / (h)  ok to drop it / (i) and (j):important  for CON: biggest PB: number of statistics (too large for CON)  EP: to propose a new draft in Art19 directly</p> <p>COM: limitation of the statistics to the minimum cf Art19para2  in envicrime: reference in a recital:  central and decentralized level -  delegated act: not necessary</p> <p>EP to revert</p> <p>TM2 08092023  TM5 23102023</p>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<p><u>relevant Union bodies and agencies, and competent authorities from third countries;</u>  <u>(i) the value of the funds and economic resources frozen;</u>  <u>(j) the value of the funds and economic resources confiscated.</u></p> <p><u>The statistics to be submitted shall also include the types and levels of penalties and sanctions imposed for violation of Union restrictive measures.</u></p>	
	Article 18a(3)			
Y	162d		<p><u>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.</u></p>	<p>EP to revert</p> <p>TM2 08092023 TM5 23102023</p>
	Article 18a(4)			
Y	162e		<p><u>4. Within two weeks after receipt of the statistics referred to in</u></p>	<p>related to Article 19 paragraph 4 : for</p>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			<u>paragraph 2, the Commission shall make them publicly available on its website, maintaining the breakdown by Member State.</u>	the COM the report is already made public  EP to revert  TM2 08092023 TM5 23102023
Article 18a(5)				
G	162f		<u>Article 18b</u> <u>Exercise of the delegation</u>	<u>5. deleted</u>  new green line  TM2 08092023 TM5 23102023
Article 18a(6)				
G	162g		<u>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article</u>	<u>6. deleted</u>  new green line  TM2 08092023 TM5 23102023
Article 18a(7)				
G	162h		<u>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].</u>	<u>7. deleted</u>  new green line  TM2 08092023 TM5 23102023
Article 18a(8)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
162i			<p><u>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.</u></p>	<p><u>8. <del>deleted</del></u></p> <p>new green line</p> <p>TM2 08092023 TM5 23102023</p>
Article 18a(9)				
162j			<p><u>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.</u></p>	<p><u>9. <del>deleted</del></u></p> <p>new green line</p> <p>TM2 08092023 TM5 23102023</p>
Article 18a(10)				
162k			<p><u>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</u></p>	<p><u>10. <del>deleted</del></u></p> <p>new green line</p> <p>TM2 08092023 TM5 23102023</p>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 18a(11)				
1621			<p><u>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.</u></p>	<p><u>11. deleted</u></p> <p>new green line</p> <p>TM2 08092023 TM5 23102023</p>
Article 19				
163	Article 19 Evaluation and reporting	Article 19 Evaluation and reporting	Article 19 Evaluation and reporting	<p>Article 19 Evaluation and reporting</p> <p>Text Origin: Commission Proposal TM2 08092023</p>
Article 19(1)				
164	(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,	(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,	(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,	(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,

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	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.	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.	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.	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.  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
Article 19(2)				
165	(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:	(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, <u>if they are available at a central level in the Member State concerned</u> :	deleted	related to Article 18a  EP to revert  TM2 08092023 TM5 23102023
Article 19(2), point (a)				
166	(a) the number of criminal proceedings initiated, dismissed, resulting in an acquittal, resulting in a conviction and ongoing;	(a) the number of criminal proceedings initiated, dismissed, resulting in an acquittal, resulting in a conviction and ongoing;	deleted	related to Article 18a  EP to revert  TM2 08092023 TM5 23102023
Article 19(2), point (b)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
R	167	(b) the types and levels of penalties imposed for violation of Union restrictive measures.	deleted	related to Article 18a EP to revert TM2 08092023 TM5 23102023
Article 19(2), point (ba)				
R	167a		(ba) <u>By ... [18 months from the date of entry into force of this Directive] the Commission shall assess the cooperation between the Member States and the Commission and other Union institutions, bodies, offices and agencies. That assessment shall include an assessment of the need for and modalities of the extension of the competences of the EPPO to include the criminal offence of violating and circumventing Union restrictive measures.</u>	related to Article 119 EPPO's Regulation CON: By ... [18 months from the date of entry into force of this Directive] the Commission shall assess the cooperation between the Member States and the Commission and other Union institutions, bodies, offices and agencies. That assessment shall include an assessment of the need for and modalities of the extension of the competences of the EPPO to include the criminal offence of violating and circumventing Union restrictive measures Council to revert TM2 08092023 TM5 23102023
Article 19(3)				
G	168	(3) Member States shall submit the statistical data referred to in	deleted	(3) Member States shall submit the statistical data referred to in



	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	paragraph 2 to the Commission using the dedicated reporting tools set up by the Commission for reporting in the field of restrictive measures.	paragraph 2 to the Commission using the dedicated reporting tools set up by the Commission for reporting in the field of restrictive measures.	PUBLIC	<p>paragraph 2 to the Commission using the dedicated reporting tools set up by the Commission for reporting in the field of restrictive measures.</p> <p>new green line</p> <p>Text Origin: Commission Proposal TM5 23102023</p>
Article 19(4)				
169	(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 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.	<p>(4) By ... <del>[OP-please insert the data-five years after the transposition period is over]</del> <u>66 months from the date of entry into force of this Directive</u>, <u>and every three years thereafter</u>, the Commission shall carry out an evaluation of the impact <u>and effectiveness</u> of this Directive, <u>taking into account the annual statistics provided by the Member States</u>, and submit a report to the European Parliament and to the Council, <u>which shall be made public</u>. Member States shall provide the Commission with necessary information for the preparation of that report. <u>On the basis of that evaluation, the Commission shall decide on the appropriate follow-up actions, including, if necessary, a legislative proposal.</u></p>	<p>EP: agrees with 5 years (not 66 months) EP to propose a new draft</p> <p>EP to revert</p> <p>TM2 08092023 TM5 23102023</p>

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 20				
170	Article 20	Article 20	Article 20	Article 20  Text Origin: Commission Proposal TM2 08092023
Article 20, first paragraph				
171	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 <u>Official Journal of the European Union</u> <del>Official Journal of the European Union.</del>	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 <u>Official Journal of the European Union</u> <del>Official Journal of the European Union.</del>  Text Origin: Council Mandate-confirmation during the second trilogue 26092023
Article 21				
172	Article 21	Article 21	Article 21	Article 21  Text Origin: Commission Proposal TM2 08092023
Article 21, first paragraph				
173	This Directive is addressed to the	This Directive is addressed to the	This Directive is addressed to the	This Directive is addressed to the

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Member States in accordance with the Treaties.	Member States in accordance with the Treaties.	Member States in accordance with the Treaties.	Member States in accordance with the Treaties.  Text Origin: Commission Proposal-confirmation during the second trilogue 26092023
	Formula			
174	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels,  Text Origin: Commission Proposal
	Formula			
175	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament  Text Origin: Commission Proposal
	Formula			
176	The President	The President	The President	The President  Text Origin: Commission Proposal
	Formula			
177	For the Council	For the Council	For the Council	For the Council  Text Origin: Commission Proposal
	Formula			

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
178	The President	The President	The President	The President Text Origin: Commission Proposal



Council of the European Union  
General Secretariat

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**Interinstitutional files:  
2022/0398 (COD)**

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**Brussels, 26 October 2023**

**WK 10966/2023 REV 2**

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**NOTE**

From:	Presidency
To:	Delegations
Subject:	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

Delegations will find an annex a provisional version of the four column table, as it stands after the technical meeting with the EP on 23 October 2023. The fourth column has been drafted by the EP and is still under scrutiny by the Presidency.