



Council of the European Union
General Secretariat

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

Brussels, 20 November 2023

WK 15396/2023 INIT

LIMITE

**JAI
COPEN
DROIPEN
ENFOPOL
CODEC**

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

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 – Presidency drafting proposals for recital 8b, Article 13 and Article 16

Recital 8b:

Union restrictive measures should not result in the discrimination against clients of credit and financial institutions or their undue exclusion from access to financial services”.

Article 13

Coordination and cooperation between competent authorities within a Member State
Member States shall designate, from among their competent authorities and without
prejudice to judicial independence, a dedicated unit or body for ensuring coordination and
cooperation between law enforcement authorities and authorities in charge of implementing
restrictive measures, in relation to the criminal activities covered by this Directive.

The dedicated unit or body referred to in the first subparagraph shall have the following
tasks:

- 1. to ensure common priorities and understanding of the relationship between criminal and administrative enforcement;*
- 2. to exchange information for strategic purposes;*
- 3. consultation in individual investigations, **within the limits set out in applicable rules;***

This proposal will be accompanied by a revised proposal for the experts' network in art. 16:

~~To that end, the~~ The Commission, where needed, may, ~~and where appropriate, Europol and Eurojust, shall~~ **shall establish a permanent network of experts and practitioners to share best practices and**, if appropriate, provide technical ~~and operational~~ assistance to the competent authorities of Member States in order to facilitate ~~the coordination of the investigation of offences related to the violation of Union restrictive measures. and prosecutions by the competent authorities,~~ **Europol and Eurojust, the EPPO, and the European Anti-Fraud Office, in compliance with Union law. That permanent network, where appropriate, may 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.**
