



Council of the European Union
General Secretariat

**Interinstitutional files:
2018/0105(COD)**

Brussels, 11 January 2019

WK 354/2019 INIT

LIMITE

ENFOPOL

EF

CODEC

WORKING PAPER

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From:	General Secretariat of the Council
To:	JHA Counsellors Law Enforcement Working Party
N° prev. doc.:	14792/18; WK 15444/18; WK 189/19
N° Cion doc.:	8411/18
Subject:	Proposal for a Directive of the European Parliament and of the Council laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences and repealing Council Decision 2000/642/JHA - drafting suggestion for Article 9 by the European Parliament

Delegations will find attached the drafting suggestion by the European Parliament concerning the new wording of Article 9, as announced in WK 189/19.

Considering that the time available to study this drafting proposal before the meeting of JHA Counsellors on 14 January 2019 is very limited, delegations whose position won't be known during that meeting are kindly invited to send their remarks in writing by Tuesday 15 January 2019, 10:00, so as to enable the Presidency to take a position during the second informal trilogue that day.

Article 9

Exchange of information between Financial Intelligence Units of different Member States

1. Each member state shall ensure that its Financial Intelligence Unit exchanges financial information or financial analysis with any Financial intelligence unit in the Union where that financial information or financial analysis is necessary for the prevention, detection and combating of money laundering, associate predicate offences and terrorist financial in accordance with Article 53 of Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849.
2. Member States shall ensure that, in exceptional and urgent cases, and in addition to Article 53 of Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849, where an FIU is required to exchange financial information or financial analysis already in its possession that relates to specific investigations concerning an act or conduct which qualified as a serious criminal offence, an FIU shall provide that information or analysis no later than 24 hours after the receipt of the request. Article 55 of Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 applies *mutatis mutandis*.