

Use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences: single access point

2021/0244(COD) - 23/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 571 votes to 18, with 17 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive (EU) 2019/1153 of the European Parliament and of the Council, as regards access of competent authorities to centralised bank account registries through the single access point.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Objectives of the Directive

The proposed Directive aims to empower competent authorities designated under Directive (EU) 2019/1153 to access and search the centralised bank account registries of other Member States through the bank account registers interconnection system (BARIS) and to facilitate the use of transaction records by competent authorities for the prevention, detection, investigation or prosecution of serious criminal offences.

The Directive lays down:

- measures to **facilitate access to and the use of financial information and bank account information** by competent authorities for the prevention, detection, investigation or prosecution of serious criminal offences;
- measures to **facilitate access to law enforcement information by Financial Intelligence Units (FIUs)** for the prevention and combating of money laundering, associate predicate offences and terrorist financing and measures to facilitate cooperation between FIUs; and
- technical measures to **facilitate the use of transaction records** by competent authorities for the prevention, detection, investigation or prosecution of serious criminal offences.

Access to and searches of bank account information by competent authorities

The amended text stated that a Member State may limit the power to access and search bank account information through the BARIS to situations in which its competent national authorities designated have justified reasons to believe that there might be relevant bank account information in other Member States.

Bank account information obtained by means of accessing and searching the BARIS should be processed only **for the purpose for which it was collected**.

Access and searches should be considered to be direct and immediate, *inter alia*, where the national authorities operating the central bank account registries transmit the bank account information expeditiously by an automated mechanism to competent authorities, provided that no intermediary institution is able to interfere with the requested data or the information to be provided.

Access and searches should be without prejudice to national **procedural safeguards** and Union and national rules on the protection of personal data.

Access to and searches of bank account information should be performed only on a case-by-case basis by the staff of each competent authority that have been specifically designated and authorised to perform those tasks.

Transaction records

Transaction records provide crucial information for criminal investigations. However, financial investigations are hampered by the fact that financial institutions and credit institutions, including crypto-asset service providers, provide authorities competent for the prevention, detection, investigation or prosecution of criminal offences with transaction records in different formats, which are not immediately ready for analysis.

In order to improve the capacity of competent authorities to carry out financial investigations, this Directive sets out measures to ensure that financial institutions and credit institutions across the Union, including crypto-asset service providers, provide transaction records in a format that is easy for competent authorities to process and analyse. The Commission is empowered to adopt, by means of implementing acts, technical specifications in order to establish the electronic structured format and technical means to be used for providing transaction records.