

Basic information	
<p>2021/0244(COD)</p> <p>COD - Ordinary legislative procedure (ex-codecision procedure) Directive</p>	Procedure completed
<p>Use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences: single access point</p> <p>Amending Directive 2019/1153 2018/0105(COD)</p> <p>Subject</p> <p>2.50.04.02 Electronic money and payments, cross-border credit transfers 7.30 Police, judicial and customs cooperation in general 7.30.05 Police cooperation 7.30.30 Action to combat crime 7.30.30.08 Capital outflow, money laundering</p> <p>Legislative priorities</p> <p>Joint Declaration 2021</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs	RADEV Emil (EPP)	29/11/2021
		Shadow rapporteur CHINNICI Caterina (S&D) TANG Paul (S&D) KELLER Fabienne (Renew) CARÉME Damien (Greens /EFA) BRUDZIŃSKI Joachim Stanisław (ECR) VANDENDRIESSCHE Tom (ID) DALY Clare (The Left)	
	Committee for opinion	Rapporteur for opinion	Appointed
	ECON Economic and Monetary Affairs	VAIDERE Inese (EPP)	16/09/2021
Council of the European Union			

European Commission	Commission DG	Commissioner
	Migration and Home Affairs	JOHANSSON Ylva

Key events

Date	Event	Reference	Summary
20/07/2021	Legislative proposal published	COM(2021)0429 	Summary
13/09/2021	Committee referral announced in Parliament, 1st reading		
12/01/2023	Vote in committee, 1st reading		
12/01/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
17/01/2023	Committee report tabled for plenary, 1st reading	A9-0004/2023	Summary
01/02/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
13/02/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
19/03/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE759.945 GEDA/A(2024)001021	
23/04/2024	Decision by Parliament, 1st reading	T9-0301/2024	Summary
23/04/2024	Results of vote in Parliament		
30/05/2024	Act adopted by Council after Parliament's 1st reading		
31/05/2024	Final act signed		
19/06/2024	Final act published in Official Journal		

Technical information

Procedure reference	2021/0244(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 2019/1153 2018/0105(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 087-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/06887

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	ECON	PE700.736	15/03/2022	
Committee draft report		PE734.352	01/07/2022	
Amendments tabled in committee		PE735.598	27/07/2022	
Committee report tabled for plenary, 1st reading/single reading		A9-0004/2023	17/01/2023	Summary
Text agreed during interinstitutional negotiations		PE759.945	13/03/2024	
Text adopted by Parliament, 1st reading/single reading		T9-0301/2024	23/04/2024	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2024)001021	14/02/2024	
Draft final act	00044/2024/LEX	31/05/2024	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2021)0429 	20/07/2021	Summary
Document attached to the procedure	SWD(2021)0210 	20/07/2021	
Commission response to text adopted in plenary	SP(2024)394	08/08/2024	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2021)0429	21/10/2021	
Contribution	ES_PARLIAMENT	COM(2021)0429	21/10/2021	
Contribution	CZ_SENATE	COM(2021)0429	03/01/2022	

Additional information

Source	Document	Date
EP Research Service	Briefing	16/05/2022
European Commission	EUR-Lex	

Final act

--

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

2021/0244(COD) - 20/07/2021 - Legislative proposal

PURPOSE: to provide competent authorities with access to centralised registers of bank accounts through the single access point.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: illegal revenues generated by criminal activities in the EU amounted to EUR 139 billion in 2019, corresponding to 1% of its gross domestic product. **Swift access to financial information** is key to effective financial investigations and successfully tracing and confiscating the instrumentalities and proceeds of crime.

In order for competent authorities in one Member State to obtain information on subjects of an investigation who hold bank accounts in another Member State, they currently have to collect the information via police cooperation or judicial cooperation channels. This is an often burdensome and time-consuming process that hampers speedy access to the information.

Under the Commission's proposal for a new anti-money laundering Directive (presented alongside this proposal), Member States will have to ensure that information obtained from centralised bank accounts registries is available through the bank account registers (BAR) single access points be developed and operated by the Commission. However, the new anti-money laundering directive will provide access to the BAR single access point only to financial intelligence units (FIUs).

In the interest of combatting serious crime and, in particular, carrying out effective financial investigation authorities competent for the prevention, detection, investigation or prosecution of criminal offences also need to have access to the BAR single access point allowing them to identify, analyse and interpret the financial information relevant for criminal proceedings.

In its [resolution](#) of 10 July 2020, the European Parliament welcomed the Commission's plan to ensure the interconnection of centralised bank accounts registries in order to speed up access to financial information for law enforcement authorities' and FIUs' access to financial information in different investigation phases and facilitate cross-border cooperation in full compliance with applicable data protection rules.

CONTENT: the proposed amendment to [Directive \(EU\) 2019/1153](#) would allow clearly designated competent authorities responsible for the prevention, investigation, detection or prosecution of criminal offences to access and search the interconnected system of centralised bank account registers through the BAR single access point. This would allow them to establish quickly whether an individual holds bank accounts in other Member States without having to ask all their counterparts in all Member States.

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

2021/0244(COD) - 17/01/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Emil RADEV (EPP, BG) 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 proposed amendment to Directive (EU) 2019/1153 would allow clearly designated competent authorities responsible for the prevention, investigation, detection or prosecution of criminal offences to access and search the interconnected system of centralised bank account registers through the bank account registers (BAR) single access point.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Members specify that national competent authorities should have the power to access and search information on bank accounts in other Member States where they have justified reasons to consider that relevant information on bank accounts necessary for the performance of their tasks might exist in other Member States.

Data gathered as a result of accessing or searching bank account information through the BAR single access point should be **adequate and relevant** for the purposes for which they are sought and should not be excessive for those purposes.

Competent authorities would only be able to carry out searches if the national competent authorities are able to carry out such searches in the national register under the same conditions as in a similar domestic case.

Furthermore, when accessing and searching information available in other Member States through the BAR single point of access, those competent authorities should respect the procedural rights of individuals as well as national and Union rules on the **protection of personal data**.

Lastly, the staff of the designated competent authorities having access through BAR single access point should maintain high professional standards of confidentiality and data protection, are of high integrity and are appropriately skilled.

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.

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

2021/0244(COD) - 19/06/2024 - Final act

PURPOSE: 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.

LEGISLATIVE ACT: Directive (EU) 2024/1654 of the European Parliament and of the Council amending Directive (EU) 2019/1153 as regards access by competent authorities to centralised bank account registries through the interconnection system and technical measures to facilitate the use of transaction records.

CONTENT: this Directive is part of a package of new rules that will protect EU citizens and the EU financial system against money laundering and terrorist financing.

Optimising and facilitating access to financial information is necessary to prevent, detect, investigate and prosecute serious crime, including terrorism. In particular, swift access to financial information is essential for carrying out effective criminal investigations and for successfully tracing and subsequently confiscating the instrumentalities and proceeds of crime, in particular as part of investigations into organised crime and cybercrime.

Directive (EU) 2019/1153 of the European Parliament and of the Council enables authorities designated by Member States among their authorities competent for the prevention, detection, investigation or prosecution of criminal offences to access and search, subject to certain safeguards and limitations, bank account information.

Directive (EU) 2019/1153 as amended establishes:

- 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.

Member States will ensure that the competent national authorities designated pursuant to this Directive have the power to access and search, directly and immediately, bank account information in other Member States available through the bank account registers interconnection system (BARIS) put in place pursuant to [Directive \(EU\) 2024/1640](#) where necessary for the performance of their tasks for the purpose of preventing, detecting, investigating or prosecuting a serious criminal offence or supporting a criminal investigation concerning a serious criminal offence, including the identification, tracing and freezing of the assets related to such investigation.

ENTRY INTO FORCE: 9.7.2024.

TRANSPOSITION: no later than 10.7.2027.