

AMENDMENT FORM

Suggestion for amendment of Article : I-41

Suggestion for protocol :

By / Mr : Hain

Status : - Member -

1. The Union shall constitute an area of freedom, security and justice:
 - by adopting European laws and European framework laws where appropriate to approximate national laws in the areas listed in Chapter IV of Part III of this Constitution~~Part Three of the Constitution~~;
 - by promoting mutual recognition of judicial and extrajudicial decisions and where necessary promoting mutual confidence between the competent authorities of the Member States;
 - ~~by promoting mutual confidence between the competent authorities of the Member States, in particular on the basis of mutual recognition of judicial and extrajudicial decisions;~~
 - by promoting operational co-operation between competent authorities of the Member States for the purposes falling within Chapter IV of Part III of this Constitution, including the police, customs and other services specialising in the prevention and detection of criminal offences.
 2. Within the area of freedom, security and justice, national Parliaments may participate in the evaluation mechanisms foreseen in Article [...], Part Three, of the Constitution, and shall be involved in the political monitoring oversight of Eurojust's and Europol's activities in accordance with Articles [...] and [...], Part Three, of the Constitution.
 3. *Okay*
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Explanation (if any) :

Our amendment makes clear that mutual recognition is the cornerstone of judicial cooperation and that it may be necessary to promote mutual confidence for that purpose.

*Our amendment is intended to make it clear that the Union's role is to promote cooperation. **It is unnecessary to list all the bodies involved in law enforcement.** This would in any case need to include cooperation between competent authorities for the investigation of crimes as well as prevention and detection. Therefore we suggest that it cover the competent authorities required for the purposes of the JHA Chapter of Part III and reflects the amendment to the first tiret.*

The phrase "political monitoring" in the context of Eurojust (or Europol) could be seen to suggest political interference in the activities and decisions taken within these organisations. This would be incompatible with the functions of the national members who may be responsible for judicial or operational decisions: it should therefore read "oversight".