

## AMENDMENT FORM

### Suggestion for amendment of Article 41 Part I of the Constitution

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#### **Article I-41: Specific provisions for implementing the area of freedom, security and justice**

1.            The Union shall constitute an area of freedom, security and justice:
  - by adopting European laws and European framework laws intended,~~where necessary, to approximate national laws in the areas listed in Part Three of the Constitution~~ **to assure free movement of persons in conditions of security and justice accessible to all;**
  - 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 operational cooperation between the competent authorities of the Member States,~~including the police, customs and other services specialising in the prevention and detection of criminal offences~~ **in the areas covered by Chapter IV of Part Three of the Constitution.**
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 of Eurojust's and Europol's activities in accordance with Articles [...] and [...], Part Three, of the Constitution.
3.        In the field of police and judicial cooperation in criminal matters, Member States shall have a right of initiative in accordance with Article [...], Part Three, of the Constitution.

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**Explanation (if any) :**

Free movement of persons, supported by a high level of safety and justice accessible to all, is the basis for the area of freedom, security and justice. The three dimensions of this area are not in balance in paragraph 1 of Article I-41 while the ex-III pillar issues are emphasised. In this way, Article I-41 is not in coherence with Article III-153 where the three dimensions are mentioned as equal components of this area.

Special references to approximation of national laws (first indent) and mutual recognition of judicial and extrajudicial decisions (second indent) should thus be removed. Further, promotion of mutual confidence between the competent authorities of the Member States is a horizontal issue in realising the area of freedom, security and justice. No specific authorities should be mentioned in the third indent as such list may be too restrictive. It is up to national legislation to define which authorities are responsible for implementing the relevant provisions in Part III of the Constitution.

The proposed amendments aim at restoring the balance between the three dimensions of the area of freedom, security and justice and at ensuring the coherence between parts I and III of the Constitution.