

## AMENDMENT FORM

Suggestion for amendment of Article : 31

Suggestion for protocol :

By Mr : Farnleitner

Status : - Member

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### Part I of the Constitution

#### Article 31: Implementation of the area of freedom, security and justice

1. The Union shall ensure an area of freedom, security and justice:
  - by adopting **European** laws and **European** framework laws intended in particular to approximate national laws in the areas ~~listed~~ **mentioned** in Part Two of the Constitution;
  - by ~~promoting mutual confidence~~ **adopting European laws and European framework laws intended to promote cooperation** between the competent authorities of the Member States **in accordance with the provisions of Part Two of the Constitution**, in particular ~~on the basis of~~ **in view of facilitating** mutual recognition of judicial and extrajudicial decisions.
  - by operational cooperation between all competent authorities of the Member States for internal security, **in accordance with the provisions of chapters 1 and 4 of title 1 of Part II of the Constitution.**
2. Within the area of freedom, security and justice, national parliaments may participate in the evaluation mechanisms foreseen in Article [4, Part Two] of the Constitution, and shall be involved in the political monitoring of **Eurojust's and** Europol's activities in accordance with Article [Article **19 and 22**, Part Two) of the Constitution.
- (3) In the field of **policies on border checks, asylum and immigration, as well as** police and judicial cooperation in criminal matters, Member States shall have a right of initiative under

the arrangements set out in Article [8, Part Two] of the Constitution.

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**Explanation (if any) :**

To avoid any misunderstandings the names of the legal acts should be used as defined in Art. 24 of the Constitution.

It is proposed to refer in all three indents to the provisions in Part II in order to facilitate the understanding of this general article (the same technique is used in Art. 29 TEU).

Not only Europol, but also Eurojust needs political control (especially if Eurojust would gain more competences, e.g. the competence to initiate national proceedings).

This is a consequence of amendment to Article 8.