

AMENDMENT FORM

Suggestion for amendment of

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

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Status : Member

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

1. The Union shall ~~ensure~~ **pursue** an area of freedom, security and justice, **in keeping with the Provisions of Part II of the Constitution by:**
 - ~~by adopting laws and framework laws intended in particular to approximate, where necessary, national laws and other measures in the areas listed in Part Two of the Constitution;~~
 - ~~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~~ **in criminal matters;**
 - ~~by operational facilitating cooperation between all competent police and judicial authorities of the Member States for internal security; and~~
 - **promoting judicial cooperation in civil matters.**
2. Within the area of freedom, security and justice, national parliaments **shall, in particular, have the role set out in** ~~may participate in the evaluation mechanisms foreseen in Article [4, Part Two] [22, Part Two] of the Constitution, and shall be involved in the political monitoring of Europol's activities in accordance with Article [Article 22, Part Two] of the Constitution.~~
3. In the field of 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.
4. **The prosecution, trial and punishment of offenders is a matter within the exclusive competence of the Member States.**

Explanation (if any) :

The link between the Union's scope of activity in this area and the legal bases provided in Part Two should be made explicit.

There is no need to repeat the role of National Parliaments in detail since it is to be set out in Part Two.

Further clarification of what is meant by 'extrajudicial' decisions would be welcome.

New paragraph 4 is intended to reflect the fact that these fundamental aspects of criminal justice remain the responsibility of the Member States.