

AMENDMENT FORM

Suggestion for amendment of Article 31

By Mr. Kvist

Status : Alternate

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

*1. The provisions of [Title X/Part II] shall not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of their internal security, **and the organisation of competent national authorities**.¹*

2. The Union shall ensure an area of freedom, security and justice:

– by adopting laws and framework laws ~~intended in particular to approximate national laws~~ 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.

– by operational cooperation between all competent authorities of the Member States for internal security.

3. 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 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 and customs cooperation², Member States shall have a right of initiative under the arrangements set out in Article [8, Part Two] of the Constitution.

¹ This provision, currently in Article 6/Part II, is of a constitutional nature as its effect the interpretation of the scope of competences. Its natural place, therefore, is in Part I of the Constitutional Treaty. It is amended slightly here.

² The Member States should have a shared right of initiative on customs cooperation matters as well.