

AMENDMENT FORM

Suggestion for amendment of Article : Article III-46 (new)

By Mr Hain

Status : Member

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Explanation (if any) :

The UK welcomes a specific legal base to allow the Union to implement international obligations to freeze assets such as those arising from UNSCR 1373 on the fight against terrorism. In the UK's view, this is largely covered by Article III-219 (see UK's amendment to this article).

The only remaining issue is whether an additional legal base is appropriate in Article III-46 to deal with terrorism that is internal to the EU. The UK is considering its position on this issue.

At present, the scope of article III-46 is certainly too wide and open-ended. Without prejudice to the UK's final position on this issue, any such article should provide a framework only for administrative (ie non-judicial) freezing of assets to tackle terrorism where such action cannot be taken under article III-219. Co-operation in the field of civil or criminal law should be carried out in accordance with the provisions of Title III Chapter IV [Area of Freedom, Security and Justice]. An instrument on mutual recognition of orders to freeze assets has already been adopted under the existing Title VI of the TEU. It would therefore be necessary to clarify that the article should not be used for measures which should instead be taken under the Chapter on the Area of Freedom, Security and Justice.

Member States should retain competence to take further action consistent with the European law, for example to take immediate action to freeze assets of terrorists identified in accordance with national procedures and laws. This reflects the existing situation. Any proposed article should also specify exactly what type of action can be taken. It should therefore be limited only to the activities listed in the Praesidium's proposal. It should not, for example, cover confiscation of assets.