

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Mrs : Lone Dybkjær

Status : - Member

Part II of the Constitutional treaty:

Article 1: [definition of the area]:

...The Union shall ensure a high level of safety by measures to prevent and combat crime, **racism and xenophobia** and promote coordination and cooperation between criminal police and judicial authorities and other competent authorities, as well as by the mutual recognition of judgments in criminal matters and the approximation of criminal laws.

Explanation :

The current article 29 TEU states: "without prejudice to the powers of the European Community, the Union's objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters and by preventing and combating racism and xenophobia..."

The current proposal for the first 23 articles of Part II of the Constitutional treaty not only drop this specific reference to the prevention and combating of racism and xenophobia, but additionally, when detailing the policies, explicitly state that such a reference is superfluous, since we now have article 13 TEC and therefore racist and xenophobic behaviour is not to be considered as a "particularly serious crime with cross-border dimensions" (article 17 Part II), thus **contradicting not only the reality but also a number of previous declarations and statements of the Council, the Commission and the Parliament.**

The prevention and combating of racism and xenophobia is a fundamental prerequisite to obtaining an area of freedom security and justice for all. It is also a fundamentally different approach from the fight against discrimination, the former focuses on the sphere of public law and the latter deals with "equal treatment", namely the social behaviour aspect of the issue. The two issues are, although related, very different and both deserve and appropriate but distinct approach.

The existing acquis can not be compromised!