

AMENDMENT FORM

Suggestion for amendment of Article 1 (Title Area of freedom, security and justice, Part II of the Treaty)

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Article 1: [Definition of the area]

The Union shall constitute an area of freedom, security and justice with respect for fundamental rights and taking into account the different European legal traditions and systems **through:**

- **adoption of laws and framework laws in the areas listed in this Title;**
- **promotion of mutual confidence between the competent authorities of the Member States;**
- **by operational cooperation between all competent authorities of the Member States for internal security.**

The Union shall ensure the **free movement of persons** ~~absence of internal border controls for persons~~ and shall frame a common policy on asylum, immigration and **management of** external borders ~~control~~ based on solidarity between Member States and fairness towards third-country nationals.

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

The Union shall facilitate access to justice, in particular by the free movement of documents and judgments in civil matters based on the principle of mutual recognition.

Measures in the field of civil protection shall contribute to the high level of safety and welfare of persons.

New Chapter 5: Civil protection

New Article 24: [Civil protection]

- 1. The Union shall further develop cooperation involving all the Member States' authorities in the field of civil protection in order to ensure the safety and welfare of persons.**
- 2. To this end, the European Parliament and the Council, in accordance with the legislative procedure, shall adopt laws and framework laws concerning:**
 - the collection, storage, processing, analysis and exchange of relevant information;**
 - the training and exchange of staff, equipment and research;**
 - the prevention of, preparedness for and response to accidents to ensure better protection of people, property and environment.**
 - any other measure not referred to in the following paragraph, that encourages cooperation between the authorities referred to in this Article.**
- 3. The Council may unanimously adopt laws and framework laws concerning operational cooperation between the authorities referred to in this Article. It shall act after consulting the European Parliament.**

Explanation:

The new elements proposed to the first paragraph have been removed from Article 31 in Part One. The words “intended in particular to approximate national laws” have, however, been deleted from the first indent of paragraph 1, as this Title deals with both ex-first pillar issues and ex-third pillar issues. Likewise, the words "in particular on the basis of mutual recognition of judicial and extrajudicial decisions" in the second indent have been deleted because the promotion of mutual confidence between the competent authorities of the Member States is a horizontal issue.

Free movement of persons, supported by a high level of safety and justice accessible to all, is the basis for the area of freedom, security and justice. This essential element of free movement of persons is missing from Article 1. Ensuring absence of controls on persons at internal frontiers should be mentioned among the measures to reach this goal in Article 10.

Civil protection should be added to the activities mentioned in Article 1 in the context of ensuring a high level of safety and a new Article 24 on civil protection should be added as the corresponding legal basis. At present, the Treaties deal with the protection of European citizens from accidents and disasters but in an uncoordinated way through the so-called three pillars, due to the fact that the safety and protection of people from accidents and disasters is a complex issue involving many sectors of society. As to civil protection, the legal and practical situation is not clear as this activity is mentioned only as one of the activities of the European Community together with energy and tourism (Article 3, paragraph 1(u), TEC).

Measures in the field of civil protection clearly belong and support the attainment of a high level of safety within an area of freedom, security and justice. The draft Article 5 of Part II should include civil protection authorities as competent authorities in the field of internal security. Mentioning protection against disasters in Article 14 of Part I the draft Constitutional Treaty as one of the supporting actions of the Union is not sufficient and does not contain all elements of civil protection.

No specific authorities should be mentioned in the Article as the list may be too restrictive. It is up to the national legislation to define which authorities are responsible for ensuring a high level of safety.