

AMENDMENT FORM

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

By Mr : **R. van der Linden** (member)
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Add the following:

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.

It shall ensure the absence of internal border controls for persons **except in emergency situations (1)** and shall frame a common policy on asylum, immigration and external border 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 authorities, as well as by the mutual recognition of judgments in criminal matters and the approximation of criminal laws **having a cross-border impact (2)**.

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.

Explanation (if any) :

- (1) The current formulation of this article prohibits any form of border control for persons, it might be necessary to create an escape for certain emergency situations. The absence of internal border controls for persons should be seen as the general rule. The proposed added words can therefore also be replaced by: "*as a general rule*".
- (2) Harmonisation of all criminal law is not necessary, it will not even be possible under the principle of subsidiarity.