

## AMENDMENT FORM

### Suggestion for amendment of Article 3 (Title Area of freedom, security and justice, Part II of the Treaty)

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#### **Article 3: [Role of national parliaments] [deleted]**

- ~~1. — National parliaments may participate in the evaluation mechanisms contained in Article 4 of the Constitution and shall be involved in the political monitoring of Europol's activities in accordance with Article 22 of the Constitution.~~
  
- ~~2. — [Notwithstanding the provisions foreseen in the Protocol on the application of the principles of subsidiarity and proportionality, where at least one quarter of national parliaments issue reasoned opinions on non-compliance with the subsidiarity principle of a Commission proposal submitted in the context of Chapters 3 and 4 of this Title, the Commission shall review its proposal. After such review, the Commission may decide to maintain, amend or withdraw its proposal. The Commission shall give reasons for its decision. This provision shall also apply to initiatives emanating from a group of Member States in accordance with the provisions of Article 8 of this Title.]~~

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#### **Explanation:**

Notwithstanding that the substance of the present Title in many ways touches upon questions relating to national sovereignty and, in particular, the prerogatives of national parliaments, there seems to be no need for a special provision on the role of national parliaments. The tasks of Europol should not include operational activities, therefore no special provisions on direct political monitoring by national parliaments are needed for this purpose, either.

The involvement of national parliaments in this area, as in other Union policies, is to be ensured and enabled principally through effective national scrutiny of government's actions in the Council. This scrutiny will be complemented with new mechanisms under consideration in the Convention, inter alia, to control the principle of subsidiarity. In addition, an effective way to safeguard the prerogatives of national parliaments would be to define the Union's competence under the present Title as precisely as possible and, as the Praesidium proposes, to make sure that use is made of European framework laws rather than European laws in areas such as substantive criminal law. If a satisfactory solution could be found in that respect, the proposed draft Article 3 ought to be deleted. Should the provision however be retained, the last sentence of the proposed paragraph 2 should in any case be dropped. To place initiatives emanating from a group of Member States within the scope of the envisaged mechanism would run the risk of leading to unnecessary confrontations between Member States.