

AMENDMENT FORM

Suggestion for amendment of Part Two, Article 9:

By: BROK; SANTER; STYLIANIDIS; SZAJER; TUSEK; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BREJC; CUSHNAHAN; DEMETRIOU; FOGLER; FRENDON; GIANNAKOU; KAUPPI; KELAM; KELEMEN; KORHONEN; KRASTS; KROUPA; KUTZKOVA; MAIJ-WEGGEN; MLADENOV; NAZARE-PEREIRA; PIKS; RACK; VAN DIJK; WITTBRODT; WÜRMELING; ZIELENIEC; ZILE

on behalf of the EPP Convention Group

Status: Members and Alternates

Text of the Praesidium

Proposed Amendments

Part Two: of the Constitution

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Title ...: Area of freedom, security and justice

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Article 9: [Judicial control]

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In exercising its competences regarding the provisions *delete* of Chapters 3 and 4 of this Title, the Court of Justice shall have no jurisdiction to review the validity or proportionality of operations carried out by the police or other law-enforcement services of a Member State or the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security, where such action is a matter of national law.

Explanation:

In a single Union without pillars, also the ECJ's jurisdiction must apply without exception if the Union wants to live up to its commitment to the rule of law (Article 2 of the current draft Constitution). Therefore, in particular in the area of freedom, security and justice, the general rules on ECJ jurisdiction must apply without exceptions, to protect national competences, citizens' rights

and the loyal application of Union law alike.
