

## AMENDMENT FORM

### Suggestion for amendment of Article : III-153

By Mr Hain

Status : Member

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1. Okay.

2. Okay.

3. The Union shall endeavour to ensure a high level of security by measures to prevent and combat crime, racism and xenophobia, and measures to promote ~~for~~ coordination and cooperation between police and judicial authorities and other competent authorities, as well as by the mutual recognition of judgements in criminal matters and where necessary, the approximation of criminal laws.

4. Okay.

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#### Explanation (if any) :

*Our amendment to paragraph 3 is intended to make clear that Union action should be focussed on promoting coordination and cooperation between the MS competent authorities rather an power to direct law enforcement activities within a Member State.*

*Working Group X's report and our previous amendments drew attention to the concern that Member States should be able to conclude bilateral or multilateral agreements in the area of police and judicial co-operation even if the Union had adopted internal rules on a particular matter. It is vital that the new Treaty is clear on this issue given the merging of the Treaties. This has not yet been taken into account by the Praesidium's proposals. It is essential that any measures taken under this Chapter should not restrict further co-operation arrangements with other Member States, third countries or international organisations to fight serious crime and terrorism. EU instruments should establish a minimum level of co-operation but should not prevent Member States from going further. Similar flexibility is required on immigration and asylum issues.*

*The JHA chapter contains a considerable number of articles which would have very significant tax implications. Measures on cross-border crime and cooperation of authorities and their investigations could include provisions with significant implications for the system of tax enforcement and tax administration in Member States.*

*Tax enforcement and tax administration are an intrinsic and key part of tax systems. The UK, like others, believes that the right to determine taxation issues must continue to be held at national level. It will therefore be necessary to have a provision or provisions in the JHA chapter to preserve the unanimity procedure for any measure under this Chapter which affects tax.*