

AMENDMENT FORM

Suggestion for amendment of Article : Title ...: Area of freedom, security and justice, 15

Suggestion for protocol :

By / Mr : Hain With the support of Lord Tomlinson, substitute

Status : - Member -

Article 15: [Judicial cooperation in criminal matters]

1. Okay, provided that an acceptable scope can be achieved for Articles 16 and 17.
 2. The European Parliament and the Council, in accordance with the legislative procedure, shall adopt laws and framework laws to:
framework laws to
 - establish rules and procedures for ensuring the recognition throughout the Union of all forms of judgements and judicial decisions;
 - facilitate co-operation in order to prevent and settle conflicts of jurisdiction between Member States;
 - facilitate co-operation in order to ensure the admissibility of evidence gathered in one Member State in criminal proceedings instituted in another Member State; andlaws and framework laws to
 - encourage the training of the judiciary and judicial staff to facilitate co-operation under this Title, whilst fully respecting the principle of independence of the judiciary;
 - ~~facilitate~~ facilitate all other forms of co-operation between ministries and judicial or equivalent authorities of the Member States in relation to proceedings in criminal matters and the enforcement of decisions.
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Explanation (if any) :

Article 15(2) : *Our amendments having the following purposes:*

- (i) *The use of laws may be appropriate where it may be necessary to create bodies or networks in areas such as judicial training or the European Judicial Network (covered by the two final indents). Otherwise, however, the use of framework laws only should be permitted, reflecting the fact that mutual recognition measures will need to allow Member States choice over how to give effect to them in order to take account of their particular legal system and should preserve a role for national parliaments.*

- (ii) *Reflect the fact that conflicts of jurisdiction are best addressed by arrangements to ensure practical co-operation, the implementation of which can be supported by Eurojust.*
- (iii) *To deal with evidential issues on the basis of co-operation between administrations, rather than through harmonised rules. The need for EU co-operation on evidence is linked in particular to facilitating mutual recognition, and is better dealt with in this article than in Article 16.*

To make it clear that judicial training is restricted to co-operation in the matters covered by this title, and does not extend to purely domestic matters. In addition, as noted in the context of Article 14, it is essential to take account of the principle of judicial independence.