

## AMENDMENT FORM

### Suggestion for amendment of Article 15

**By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, Mr Kenneth Kvist and Mr Ingvar Svensson, national parliament representatives.**

**Status :**  
- **Member: Hjelm-Wallén and Lekberg**  
- **Alternate: Petersson, Kvist and Svensson**

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#### **Article 15: Judicial cooperation in criminal matters**

1. Judicial cooperation in criminal matters in the Union shall be based on the principle of mutual recognition of judicial decisions and shall include the approximation of legislation in the areas referred to in Articles [16] and [17].
2. The European Parliament and the Council, in accordance with the legislative procedure, shall adopt laws and framework laws to:
  - establish rules and procedures for ensuring the **mutual**<sup>1</sup> recognition throughout the Union of all forms of judgments and judicial decisions.
  - prevent and settle conflicts of jurisdiction between Member States;
  - encourage the training of the judiciary and judicial staff;
  - ~~facilitate all other forms of cooperation between ministries and judicial or equivalent authorities of the Member States in relation to proceedings in criminal matters and the enforcement of decisions.~~<sup>2</sup>

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<sup>1</sup> It should be clarified that the rules and procedures adopted under this provision can only govern recognition of judgements and decisions, and not substantive and procedural law in general. Furthermore, it should be taken into account that a number of Member States, including, Sweden have a system where other competent authorities than judicial authorities can issue judicial decisions.

<sup>2</sup> The Union competences are based on the principle of conferred powers in accordance with Article 8 in Title III. In the interest of a clear division of competences the competences conferred on the Union must be defined in a distinct and precise manner, giving due consideration to the principles of the Union and the interest of predictability. This is an important interest not least for the citizens but also for the Member States. The scope of competence of the Union must accordingly be defined without open-ended provisions giving vague or no limits to the Union competences.