

AMENDMENT FORM

Suggestion for amendment of Article : Title ...: Area of freedom, security and justice, 16

Suggestion for protocol :

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

Status : - Member -

Article 16: [Criminal procedure]

~~In order to strengthen mutual trust between the competent authorities of Member States and to guarantee the effectiveness of common tools for police and judicial cooperation, the European Parliament and the Council, in accordance with the legislative procedure, may adopt laws and framework laws containing minimum rules concerning:~~

~~—the admissibility of evidence throughout the Union;~~

~~—the definition of the rights of individuals in criminal procedure in compliance with fundamental rights;~~

~~—the rights of victims of crime;~~

~~—other specific aspects of criminal procedure, which shall be identified in advance by the Council, acting unanimously after receiving the assent of the European Parliament.~~

In order to ensure justice for any citizen of the European Union travelling or residing in a Member State of which he is not a national and any third country national travelling or residing in a Member State under a right conferred by this Constitution, when that citizen or national is the subject of a criminal investigation or a defendant in criminal proceedings in that Member State, the Council may, after consulting the European parliament, unanimously adopt framework laws containing minimum rules concerning:

— the provision of legal advice, information and interpretation to that citizen or national in an appropriate language;

– access to the diplomatic or consular authorities of the State of the citizen or national.

Explanation (if any) :

Article 16 : *Criminal procedures and evidence go to the heart of Member States' legal systems. It will be appropriate to develop some light minimum standards in the areas where people facing criminal proceedings in a Member State of which they are not a national would be disadvantaged by virtue of that fact. A provision on victims has no place in an article addressing such disadvantages. It is essential that the legal base for procedural standards is not so broad that it would provide a basis for harmonisation of legal systems. We must recognise and respect the diversity of our legal systems, rather than seek to create a common system. That would be a fruitless debate which would set back our practical efforts to combat international and cross-border crime. Evidence issues are better addressed in the context of co-operation between authorities under Article 15.*