

AMENDMENT FORM

Suggestion for amendment of Article 16

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

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

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, **and ensure full application of the principle of mutual recognition**,¹ 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~~²
- the definition of the rights of individuals in criminal procedure in compliance with fundamental rights;
- the rights of victims of crime **as regards their access to justice, compensation for damages and other aspects that are of importance in situations of a cross-border nature**³;
- ~~— 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.~~⁴

¹ Approximation of criminal procedure should primarily be limited to situations where this is necessary in order to ensure full application of the principle of mutual recognition.

² The principle of free evaluation of evidence is a guarantee for the correct outcome in substance of criminal proceedings and should not be subject to approximation of rules on admissibility of evidence.

³ The adoption of laws and framework laws concerning the rights of victims of crime should be limited to the areas defined by the Tampere conclusions and to other measures that have cross-border implications.

⁴ 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.