

AMENDMENT FORM

Suggestion for amendment of Part Two, Title.... Article 16: [Criminal procedure]

By Mr Dick Roche

Status : Member

Article 16: [Criminal procedure]

In order to strengthen mutual trust between the competent authorities of Member States and to **facilitate the mutual recognition of judicial decisions** ~~guarantee the effectiveness of common tools for police and judicial cooperation~~, the **Council, acting unanimously after consulting the** European Parliament ~~and the Council, in accordance with the legislative procedure~~, may adopt laws and framework laws **to ensure that Member States achieve minimum standards in relation to** ~~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 to~~ **be determined** by the Council, acting unanimously after receiving the assent of the European Parliament.

Adoption of such standards shall not prevent Member States from requiring higher standards.

Explanation (if any) :

The minimum standards this Article seeks to achieve already exist within the framework of the ECHR.

If the Article is to be included, the phrase ‘minimum standard’ reflects more accurately what was intended by the Working Group. It should also be clear that this article is not attempting to harmonise or to approximate Member States’ law, but rather to identify the minimum standards necessary to facilitate the mutual recognition of each other’s judicial decisions.

Because of the particularly sensitive nature of this area, unanimity is the appropriate decision-making procedure and Member States must be free to require higher standards where they wish to do so.