

## AMENDMENT FORM

### Suggestion for amendment of Article : 17

**By Members:** Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Karel De Gucht, Mr Peeter Kreitzberg, Mr Agirdas Gričius, Mr Puiu Hasotti, Mr Zekeriya Akçam and Mr Eugenijus Maldeikis; **and Alternate Members:** Ms Lone Dybkjaer, Mr Willem van Eekelen, Lord Robert MacLennan of Rogart, Mr Nesrin Uzun, Mr Marios Matsakis, Mrs Androula Vassiliou, Mr Istvan Szent-Ivanyi, Mr Péter Eckstein-Kovacs, Mr Ibrahim Ozal and Mr Gintautas Sivickas.

**Status :** Members and alternate members.

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### Article 17: [Substantive criminal law]

1. The *Union* may adopt framework laws containing minimum rules concerning the definition of *crimes, organised or otherwise*, and *penalties* in the areas of particularly serious crime with cross-border dimensions resulting from the nature or impact of the offences or of a special need to prosecute them jointly. *Among* these areas of crime are terrorism, trafficking in human beings and sexual exploitation of women, *offences against children*, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment *and* computer crime.

2. *The Union may adopt laws and framework laws concerning the definition of crimes and penalties* in areas of crime affecting a common interest which is the subject of a Union policy, if criminal sanctions prove essential to ensure the effective implementation of that policy.

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### **Explanation:**

*As Article 25 of Part One provides, the norm is that the Union passes laws according to the legislative procedure involving the Parliament and the Council. It is not necessary to spell this out every time. The repetition is irritating and lengthy.*

*'Crimes and penalties' is the correct English formulation.*

*There is no legal definition of 'organised crime' (it is not a crime to be organised). We therefore remove the phrase from the list of crimes and repeat the existing formulation of Article 29 TEU.*

*We prefer to have an indicative rather than an exhaustive list, thereby allowing the future Union greater scope - hence 'among'.*

*We also offer a wider definition of offences against children, as we have already in Article 29 TEU.*

*The opening paragraph makes no sense in relation to the second indent. There is a clear need to lay down detailed regulations to enforce rules against crime affecting a common interest of the Union. Framework laws will not suffice. We have, therefore, separated out the first indent from the second into two paragraphs.*