

AMENDMENT FORM

Suggestion for amendment of Article 17

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 17: Substantive criminal law

The European Parliament and the Council, in accordance with the legislative procedure, may adopt framework laws containing minimum rules concerning the definition of incriminations and sanctions:

- 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. These areas of crime are the following: terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime, **environmental crime**¹ and organised crime. ~~The Council, on the basis of developments in crime and acting unanimously after obtaining the assent of the European Parliament, may identify other areas of crime that meet the criteria specified in this indent;~~ **The Council may, acting unanimously on a proposal from the Commission and after consulting the European Parliament, adopt provisions identifying other areas of crime that meet the criteria specified in this indent. The Council shall recommend those provisions to the Member States for adoption in accordance with their respective constitutional requirements.**²

¹ Environmental crimes can have cross-border consequences.

² The Union competence are based on the principle of conferred powers. In the interest of a clear division of competence in accordance with Article 8 in Title III the competencies 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 competence. Bearing the above considerations in mind, a mechanism is proposed in order to ensure that additions can be made while still satisfying the above mentioned demands.

- ~~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.~~³

³ The second indent does not satisfy the above requirement of a distinct and precise definition of the scope of competence of the Union in this field and should therefore be deleted. This will require an analysis of the possible need to make further additions to the list of crimes above.