

AMENDMENT FORM

Suggestion for amendment of Part Two, Title... Article 17: [Substantive criminal law]

By Mr Dick Roche

Status : Member

Article 17: [Substantive criminal law]

To facilitate mutual recognition, the European Parliament and the Council, acting unanimously after consulting the European Parliament in accordance with the legislative procedure, may adopt framework laws containing minimum rules relating to the constituent elements of criminal acts and to penalties concerning the definition of incriminations and sanctions: in relation to serious crime, in particular in the areas of:

~~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 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;~~

~~in area 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.~~

Explanation (if any) :

Given the sensitivity of the issues involved, this is an area where unanimity should be the general decision-making procedure. The Article should make it explicitly clear that mutual recognition is the principle underpinning the Union's work in this area. The existing language of Article 31 TEU should be used. The second indent is too widely drafted. As fraud against the Union is a serious crime it is already covered by the first paragraph.