

AMENDMENT FORM

Suggestion for amendment of Article : 17 (part II of the Constitution)

Suggestion for protocol :

By Ms / Mr : G.M de Vries
T.J.A.M. de Bruijn

Status : Members

Article 17: [Substantive criminal law]

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

- in the areas of serious crime, committed by organised groups or otherwise, with cross-border dimensions which become evident from their nature or impact of the criminal offences, or which are against the Union's interests. 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, and computer 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 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. This is without prejudice to the existing competences to adopt other enforcement measures.

Explanation (if any) :

In the near future the Netherlands will send a contribution to the Convention on the topic of Union legislation in the field of criminal and civil law. This contribution will indicate the areas of criminal and civil law which are well suited for legislation at Union-level and which areas need to be left to national legislation, as well as decision making modalities in the Council.