

AMENDMENT FORM

Suggestion for amendment of Article : Title ...: Area of freedom, security and justice, 19

Suggestion for protocol :

By / Mr : Hain With the support of Lord Tomlinson, substitute

Status : - Member -

Article 19: [Eurojust]

1. Eurojust's mission shall be to ensure co-ordination and co-operation between national prosecuting authorities in relation to serious crime affecting two or more Member States ~~or requiring a joint prosecution~~, on the basis of operations conducted and information supplied by the Member States' authorities and by Europol.
2. The European Parliament and the Council, in accordance with the legislative procedure, shall determine Eurojust's structure, workings, and scope of action ~~and~~ with a view to it carrying out the following tasks. ~~Those tasks may include:~~
 - proposing the initiation ~~and co-ordination~~ of criminal investigations and prosecutions conducted by competent national authorities, and co-ordinating such activities;
 - the strengthening of judicial co-operation, including by resolution of conflicts of jurisdiction and by close co-operation with the European Judicial Network;
 - Either (a) delete indent or: (b) amend to: “appropriate supervision of Europol's ~~operational-investigative~~ activities when carried out in a Member State whose legal tradition and system provides for the judicial supervision of such investigative activities.”

The law referred to in the preceding subparagraph shall also determine arrangements for involving the European Parliament and national parliaments in the development of Eurojust's activities.

3. Okay.

4. The Council, acting unanimously after consulting the European Parliament, may confer tasks and powers on Eurojust, in addition to those specified in Article 19.2, on the basis of demonstrable need and taking into account the different European legal traditions and systems.

Explanation (if any) :

Article 19(1) : *The reference to joint prosecutions is unclear; we do not have a concept of joint prosecutions. The intention must be clarified or the reference must be deleted.*

Article 19(3) : *Our amendments are designed to clarify and set boundaries on Eurojust's tasks. This is an essential precondition for majority voting. If Eurojust were to have the power to initiate prosecutions (first indent), it would be a European Public Prosecutor in all but name. Its powers of request and co-ordination should, however, extend beyond prosecutions to cover investigations. Supervision of Europol by Eurojust is not compatible with the United Kingdom's legal tradition and system. Our preference would be to delete the final indent, but we also offer an alternative designed to accommodate the concept of supervision where compatible with other Member States' legal systems.*

Article 19(4) : *Our amendment reflects the view that the Council should be given the power, acting under unanimity, to confer additional tasks and powers on Eurojust, in order for it to develop effectively in the future.*