

## AMENDMENT FORM

### Suggestion for amendment of Part Two, Article 19:

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Status: Member, Alternate Member

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*Text of the Praesidium*

*Proposed Amendments*

#### **Part Two: of the Constitution**

**Title ...: Area of freedom, security and justice**

#### **Chapter 3: Judicial cooperation in criminal matters**

#### **Article 19: [Eurojust]**

1. Eurojust's mission shall be to ensure coordination and cooperation 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 Euro-pol.

2. The European Parliament and the Council, in accordance with the legislative procedure, shall determine Eurojust's structure, workings, scope of action and tasks. Those tasks may include:

- the initiation and coordination of criminal prosecutions conducted by competent national authorities;
- the strengthening of judicial cooperation, including

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#### **Article 19: [Eurojust]**

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#### **Insert new para 2:**

***2. Eurojust shall have legal personality.***

~~2–~~3. The European Parliament and the Council, in accordance with the legislative procedure, shall determine Eurojust's structure, workings, scope of action and tasks. Those tasks may include:

- the initiation and coordination of criminal prosecu-

by resolution of conflicts of jurisdiction and by close cooperation with the European Judicial Network;

- appropriate supervision of Europol's operational activities.
- the strengthening of judicial cooperation, including by resolution of conflicts of jurisdiction and by close cooperation with the European Judicial Network;

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.

**Add bullet point**

- *prevention of fraud to the detriment of the Union budget.*

3. In the prosecutions referred to in this Article, and without prejudice to the following Article, formal acts of judicial procedure shall be adopted by the competent national officials.

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.~~ 4. In the prosecutions referred to in this Article, and without prejudice to the following Article, formal acts of judicial procedure shall be adopted by the competent national officials.

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***Explanation:***

It follows the EPP proposal

**New para 2:**

Cf Art 1 of the Council decision of 28 February 2002 setting up Eurojust with a view to reinforce the fight against serious crime, OJ.2002 L23/1.

**Para 2 (new 3)**

OLAF competences should be given to Eurojust, in order to avoid double structures and to provide OLAF with the necessary legal basis for investigations. OLAF should be incorporated in the structure of Eurojust.