

AMENDMENT FORM

Suggestion for amendment of article 17

By Mr Poul Schlüter

Status: Alternate

Article 17: Substantive criminal law

The ~~European Parliament and the~~ Council, **acting unanimously after obtaining the assent of the European Parliament** ~~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, **in particular women and children**, 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 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.~~

Explanation:

The future Union action in the field of criminal matters implies that the Union may adopt common rules on criminal procedure and substantive criminal law.

Therefore, the essential parts of the future Union legislation in this field should be adopted with unanimity in the form of framework laws.

The careful defining of Union competence in the first indent seems to be punctured with the second indent, as the last mentioned indent seems open ended. Therefore, it is suggested deleted.