

AMENDMENT FORM

Suggestion for amendment of Article : III-167 (ex Article 17)

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, national parliament representative.

**Status : - Member: Hjelm-Wallén and Lekberg
 - Alternate: Petersson**

Article III-167 (ex Article 17)

1. A European framework law may establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with cross-border dimensions resulting from the nature or impact of such offences or from a special need to combat them on a common basis.

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, **environmental crime**¹ and organised crime.

~~On the basis of developments in crime, the Council may adopt a European decision identifying other areas of crime that meet the criteria specified in this paragraph. It shall act unanimously after approval by the European Parliament.~~ **The Council may, acting unanimously on a proposal from the Commission and after consulting the European Parliament, adopt provisions identifying other areas of crime that meet the criteria specified in this indent. The Council shall recommend those provisions to the Member States for adoption in accordance with their respective constitutional requirements.**²

2. If the approximation of criminal legislation proves essential to ensure the effective implementation of a Union policy in an area which has been subject to harmonisation measures, a European framework law may establish minimum rules with regard to the definition of criminal offences and sanctions in the area concerned.

Without prejudice to Article [III-160], that framework law shall be adopted by the same procedure

¹ Environmental crimes can have cross-border consequences.

² The Union competences are based on the principle of conferred powers. The competences conferred on the Union must be defined in a distinct and precise manner, giving due consideration to the principles of the Union and the interest of predictability. This is an important interest not least for the citizens but also for the Member States. The scope of competence of the Union must accordingly be defined without open-ended provisions giving vague or no limits to the Union competences, see also footnote to article 165. Bearing these considerations in mind, a mechanism is proposed in order to ensure that additions can be made while still satisfying the above mentioned demands.

as was followed for the adoption of the harmonisation measures referred to in the preceding subparagraph.