

## AMENDMENT FORM

**Suggestion for amendment of: Part III, Article 167**

**By Mr : Dick Roche**

**Status : - Member**

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### Article III–167 (ex Article 17)

1. **To facilitate mutual recognition, a** European framework law **of the Council** 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 **and** ~~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 and organised crime.

**The Council shall act unanimously after consulting the European Parliament.**

~~On the basis of developments in crime, t~~ 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 obtaining the consent of the European Parliament.

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

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### Explanation

Given the sensitivity of the issues and the diversity of Member States' legal systems, unanimity is the appropriate decision-making procedure in this area. It should be explicitly clear that mutual recognition is the principle underpinning the Union's work in this area.

The drafting of paragraph 2 is too wide. In any case, the Council can decide to add to the list in paragraph 1 if necessary.

