

AMENDMENT FORM

Suggestion for amendment of Article : 170 (ex Article 20), part III of the Constitution

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Status : Tiilikainen, Kiljunen, Vilén - Members
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~~Article III-170 (ex Article 20)~~

~~1. ————— In order to combat serious crime having a cross-border dimension, as well as illegal activities affecting the interests of the Union, a European law of the Council may establish a European Public Prosecutor's Office from Eurojust. The Council shall act unanimously after approval by the European Parliament.~~

~~2. The European Public Prosecutor's Office shall be responsible for investigating, prosecuting and bringing to judgment, where appropriate in liaison with Europol, the perpetrators of and accomplices in serious crimes affecting more than one Member State and of offences against the Union's financial interests, as determined by the European law provided for in paragraph 1. It shall exercise the functions of prosecutor in the competent courts of the Member States in relation to such offences.~~

~~3. The European law referred to in paragraph 1 shall determine the general rules applicable to the European Public Prosecutor's Office, the conditions governing the performance of its functions, the rules of procedure applicable to its activities, as well as those governing the admissibility of evidence, and the rules applicable to the judicial review of procedural measures taken by it in the performance of its functions.~~

Explanation (if any) :

We recall that we are opposed to the idea of establishing a European Public Prosecutor. Eurojust has just recently started its work, so we do not have enough experience to say whether there is any need for a Union level enforcement authority. There are several other and more effective means to combat serious cross-border crime and crime against the financial interest of the Union. In addition, the mutual recognition approach is founded on respect for our diverse legal systems, and the powers which would be given to a European Public Prosecutor are not compatible with that principle.

We believe that the creation of new law enforcement bodies at EU level should only take place where there is a clearly established need for it.