

## AMENDMENT FORM

### Suggestion for amendment of Article : 16

By Mr : Farnleitner

Status : - Member

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#### Article 16: Criminal procedure

In order to strengthen mutual trust between the competent authorities of Member States and to guarantee the effectiveness of common tools for police and judicial cooperation, the European Parliament and the Council, in accordance with the legislative procedure, **the Council however acting unanimously**, may adopt ~~laws and~~ **European** framework laws containing minimum rules concerning:

- the admissibility of evidence throughout the Union;
- the definition of the rights of individuals, **especially defendants and victims**, in criminal procedure in compliance with fundamental rights;
- ~~— the rights of victims of crime;~~

other specific aspects of criminal procedure, which shall be identified in advance by the Council, acting unanimously after receiving the assent of the European Parliament.

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#### **Explanation (if any) :**

As the field of police and judicial cooperation in criminal matters has been dealt with, up to now, in an intergovernmental institutional setting it seems a step too far to foresee majority voting now.

It is proposed to exclude the use of European laws for the approximation of criminal procedure and bring the text into line with the text in Art. 17. Criminal procedure has not been, up to now, the subject of approximation in Union texts. European framework laws give the national legislator the possibility to implement measures taken by the Community in conformity with the system (fundamental differences between continental and common law procedure) and the terms of national criminal procedure.

It is proposed to integrate the victims into the second indent because victims are individuals within the proceedings as well. Furthermore, it has to be made clear that fundamental rights also apply to them.