

## AMENDMENT FORM

Suggestion for amendment of Article : Title ...: Area of freedom, security and justice, 22

Suggestion for protocol :

By / Mr : Hain With the support of Lord Tomlinson, substitute

Status : - Member -

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### Article 22: [Europol]

1. Europol's mission is to support and strengthen action by the Member States' police-law enforcement authorities and their mutual co-operation in preventing and combating serious crime affecting two or more Member States, ~~terrorism and forms of crime which affect a common interest covered by a Union policy.~~
2. The European Parliament and the Council, in accordance with the legislative procedure, shall adopt laws determining adopt laws determining determine Europol's structure ~~, operation, field of action and tasks. These tasks may include:~~ and the action that it may take for carrying out the following tasks: and the action that it may take for carrying out the following tasks:

First indent: okay.

- ~~the coordination, organisation and implementation of~~ proposing, supporting and participating in proposing, supporting and participating in investigative ~~and operational~~ actions carried out ~~jointly with the Member States' services~~ by one or more Member States authorities by one or more Member States authorities or in the context of joint investigative teams.

Final sentence: okay.

- ~~1. 3-~~Any ~~operational-investigative~~ action by Europol must be carried out in liaison with and in agreement with the services of the Member State(s) whose territory is concerned. The application of coercive measures is the exclusive responsibility of the competent national authorities.

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**Explanation (if any) :**

**Article 22(1) :** *The term “police” is too narrow; the term “law enforcement” uses the language of Article 30(1)(a) TEU. The current Treaty provisions on Europol (Article 30(2) TEU) use the term “competent authorities”, but we consider the term “law enforcement authorities” clearer and more precise. To the extent that it requires action at European Union level, terrorism is covered by the term “serious crime affecting two or more Member States”. Similarly, Europol should have competence in relation to crimes which affect a common interest covered by a Union policy only to the extent that the crime is serious and affects two or more Member States. If the crime is purely internal to a Member State, it is a matter for that state’s law enforcement authorities.*

**Article 22(2) :** *Our first amendment to the chapeau makes it clear what legal instrument should be used. At present, the reference at the end of the paragraph to “the law referred to in the previous paragraph” makes no sense. Our second amendment to the chapeau makes it clearer that there are limits on the development of Europol.*

*Second indent : This amendment is designed to make it clearer that Europol’s role is to support the Member States, and in doing so its role is to propose and support investigations rather than undertake wider operations.*

**Article 22(3) :** *Good, and essential to the article as a whole. The language should, however, be aligned with our proposed amendment to paragraph 2 second indent.*