

AMENDMENT FORM

Suggestion for amendment of Article III-172

By Mr Hain

Status : Member

1. Europol's mission is to support and strengthen action by the Member States' police authorities and other law enforcement services 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. A European law shall determine Europol's structure, ~~operation workings, and scope of action with a view to it field of and the action that it may take for carrying out the following and~~ tasks. ~~These tasks may include:~~

(a) the collection, storage, processing, analysis and exchange of information forwarded particularly by the authorities of the Member States or third countries or bodies ;

(b) ~~proposing, supporting and participating in the coordination, organisation and implementation of~~ investigative ~~and operational~~ action carried out ~~jointly with~~ in support of the Member States' competent authorities or in the context of joint investigative teams, where appropriate in liaison with Eurojust.

A European law shall also lay down the procedures for involving the European Parliament and Member States' national parliaments in the scrutiny and evaluation of Europol's activities. ~~by the European Parliament, together with Member States' national parliaments.~~

3. Okay.

Explanation (if any) :

The UK welcomes the reference to "law enforcement services" in the first section. However, 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. At the very least, there should be a reference to “serious” crime which affects a common interest covered by a Union policy.

Our suggested amendment to the chapeau makes it clearer that there are limits on the development of Europol and that its tasks are not open-ended.

In indent 2(b) the word « operational » should be deleted. « Investigative » is sufficient and avoids the suggestion of Europol having operational powers on the territory of Member States. This article should also be brought closer to Article 30(2) TEU. Europol should be involved only in a support capacity in operational action carried out by Member States’ law enforcement authorities. Hence 2(b) "carried out jointly" should therefore be replaced by "in support of". It is essential that Europol is not be able to carry out independent operational activities or to direct Member States' operational activities.