

AMENDMENT FORM

Suggestion for amendment of Article : III-279 (ex 240b)

By Mr Hain

Status : Member

In exercising its competences regarding the provisions of [~~Sections 3 and 4 of~~ Chapter IV of Title III] concerning the area of freedom, security and justice, the European Court of Justice shall have no jurisdiction to review the validity or proportionality of operations carried out by the police or other law-enforcement services of a Member State or the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of ~~internal~~their national security, ~~where such action is a matter of national law~~.

Explanation (if any) :

The addition of the words “where such action is a matter of national law” must be deleted. It would mean that where the Union has legislated even in the establishment of minimum rules for substantive criminal law (e.g. terrorism, trafficking in people) acts carried in the protection of national security in those fields would fall under ECJ jurisdiction. The increasing amount of legislation in this field would render the article ineffective.