

Group X: Freedom, Security and Justice

Preamble:

The European States share a common space in which freedom, security and justice are governed by similar norms and principles, therefore the Third Pillar concerning Justice and Home Affairs has to be integrated into the European Union Treaty.

Art. 1: Immigration

1. On immigration matters, the main objectives of the European Union are:

- to establish a Common European Immigration Policy.
- to simplify and make more accessible the administrative procedure concerning legal entry, residence permits and working permits, and conditions on the territory of the European Union.

2. In order to achieve these goals, a structure needs to be created based, on the one hand, on a central office inside the European Union, receiving information of all member countries on the needs of immigrants. On the other hand, offices will be created in non – member states which are provided with this information and capable to assume a large part of the administrative work.

Art. 2: Right to asylum and Protection

1. The asylum procedure is common to all member states and decides on a uniform status for those granted asylum valid in all member states. The right to asylum is granted with due respect for the rules of the Geneva Convention of 1951 and the protocol of January the 31st relating to the status of refugees and in accordance with the treaty establishing the European Community.
2. Complementary forms of protection are granted - provided that no element of persecution or link to a specific ground listed in the 1951 Convention is present - to an applicant for international protection who is outside his or her country of origin and cannot return there owing to a well – founded fear or being subjected to torture, death penalty, or other inhuman or degrading treatment or punishment.
3. Decisions over legislation on asylum, refugees and displaced persons are taken by co – decision and qualified majority voting.

Art. 3: External Border Controls

In what concerns external border controls, the provisions contained in the Schengen agreement, for instance the Schengen information system, will be reinforced.

Inside EUROPOL, a European bureau in charge of the police co-ordination in matters of external border controls will be created by setting out guidelines, executed by national police forces.

Art 4: The system of judiciary and police cooperation

1. As regards the mutual recognition of legal decisions and the coordination of all the various courts of justice of the European states, the judges of all the states have to cooperate on criminal affairs and to ensure the measures taken by the European states concerning criminal procedures that are in line with the Constitution.
2. A European prosecutor is to be created. The European prosecutor is appointed by the European states and by a qualified majority vote at the Council of Ministers.
3. The competencies of the European Prosecutor are limited to European Crimes.
4. The Council of Ministers, on the proposal of either the Commission, member states, or the European Parliament, and according to the procedure of co-decision and qualified majority voting, determines a list of European Crimes. The European Crime is defined by its gravity and its trans-national character.
5. The Council of Ministers votes on a European Criminal Code including the list of European Crimes and its definition, and a European Criminal Procedure Code.
6. If the Prosecutor considers the criminal affairs in its competence, he delivers a European Order of Investigation to the competent national police, which cooperates with EUROPOL, and transmits the elements of crimes to the national competent jurisdiction.