EUROPEAN PARLIAMENT

2004 *2009*

Committee on Civil Liberties, Justice and Home Affairs

19.10.2007 PE396.507v01-00

AMENDMENTS 31-36

Draft report **(PE392.373v01-00)**
Ioannis Varvitsiotis
Proposal for a Council framework decision on the European supervision order in pre-trial procedures between Member States of the European Union

Proposal for a decision (COM(2006)0468 – C6-0328/2006 – 2006/0158(CNS))

Draft legislative resolution

Amendment by Ioannis Varvitsiotis

Amendment 31
Paragraph 2 a (new)

2a. Draws the Commission's attention to the need to adapt the arrest and surrender procedure of the European arrest warrant to cover all cases where a suspect must be transferred back to the trial State following a breach of the European supervision order;

Or. en

Justification

The policy option to adjust the EAW may entail several modifications, not only a change as regards the scope of the Warrant (i.e. Article 2 (1) on the one-year threshold). For instance, refusal criteria may be altered and forms may be adjusted or added to indicate that the arrest follows a breach of an ESO.

Proposal for a decision

Text proposed by the Commission	Amendments by Parliament

Amendment by Ioannis Varvitsiotis

Amendment 32
Recital 6 a (new)

	(6a) In the event of a breach of a European supervision order, the issuing authority may decide to issue a European arrest warrant for the purpose of transferring the suspect to the issuing State. In such circumstances, which should be strictly limited to the application of this Framework Decision, Council Framework Decision 2002/584/JHA of 13 June 2002 covers all offences in relation to which a European supervision order may be issued.

Or. en

Justification

It is important to clarify and emphasize that the EAW covers all offences only in cases implementing ESO (a breach of ESO). The scope of the EAW shall not be generally expanded.

Amendment by Ioannis Varvitsiotis

Amendment 33
Article 4 a (new)

	Article 4a
	Costs
	1. The costs incurred in the execution of a European supervision order in the territory of the executing Member State shall be borne by that Member State.

2. All other costs shall be borne by the issuing Member State.

Or. en

Justification

That is a linguistic clarification.

Amendment by Panayiotis Demetriou

Amendment 34
Article 6, paragraph 2, point (h a) (new)

(ha). to be subject to electronic monitoring.

Or. en

Justification

In order to remain in their domicile, in their habitual environment close to their families, the suspects may be supervised by the " electronic monitoring" in the Member States where this system is already introduced. The electronic monitoring is an effective way of supervision and give the opportunity to the suspects to continue their family life and professional activities.

Amendment by Panayiotis Demetriou

Amendment 35
Article 17, paragraph 3 a (new)

3a.A European arrest warrant could be used in the event of a breach of the conditions of the supervision order for the purpose of transferring the suspect to the issuing State.

Or. en

Justification

It is useful to use the procedure provided in the Council Framework Decision on the European Arrest Warrant so as the transfer of suspect to the issuing State is facilitated in case of a breach of the conditions of the Supervision Order.

Amendment by Ioannis Varvitsiotis

Amendment 36
Article 18

Conditions for arrest and transfer of the suspect	***Arrest*** and transfer of the suspect
1. If the issuing authority decides that the suspect must be arrested and transferred to the issuing State, ***the suspect shall be heard by a judicial authority of the Member State on whose territory he is arrested.***	1. If the issuing authority decides that the suspect must be arrested and transferred to the issuing State, ***it shall issue a European arrest warrant in accordance with the provisions of Council Framework Decision 2002/584/JHA of 13 June 2002.***
2. ***If the suspect consents to his transfer the Member State on whose territory the suspect is arrested shall forthwith transfer him to the issuing State.***	2. ***Notwithstanding Article 2 (1) of Council Framework Decision 2002/584/JHA, a European arrest warrant may, in such a case, be issued and the suspect be transferred to the issuing State in connection with all the offences for which a European supervision order may be issued.***
3. If the suspect does not consent to his transfer the Member State on whose territory he is arrested shall forthwith transfer him to the issuing State. It may refuse the arrest and transfer only	
- if it is clear that criminal proceedings for the offence in respect of which that order has been issued would meanwhile infringe the ne bis in idem principle;	
- if the suspect is being prosecuted in the executing Member State for the same facts as those on which the European supervision order is based;	
- if the criminal prosecution or punishment of the suspect is statute-barred according to the law of the executing Member State and the acts fall within the jurisdiction of that Member State under its own criminal law;	
- if the decision to arrest and transfer concerns new facts not covered by the European supervision order.	
4. A Member State other than the executing State may also refuse to arrest and transfer the suspect on the basis of one or more of	

the grounds set out in Article 10.

Or. en