

Summary

In this statement the Committee considers the European Commission's Communication, Towards an EU Criminal Policy: Ensuring the effective implementation of EU policies through criminal law, COM (2011) 573.

The purpose of the Commission's Communication is to establish a framework for the further development of an EU criminal policy under the Lisbon Treaty. The Communication represents a first step in the Commission's efforts to create a coherent and consistent EU criminal policy, by setting out how the EU should use criminal law to ensure the effective implementation of EU policies.

The Committee states that criminal law reflects fundamental values, customs and traditions in the individual member states. It is therefore important to stress that it is not the EU's task to replace national legislation, but that the need for criminal law at EU level must be thoroughly analysed in connection with each individual decision. The Committee considers that criminal law should only be adopted at EU level if it is clear that it will contribute significant added value.

With the current wording of the legal basis in Article 83.2 of the Treaty on the Functioning of the European Union, the Committee notes that it can only be a question of minimum rules which means an approximation of national laws and precludes a full-scale harmonisation of criminal law.

Criminal law has a significant impact on individuals. In the opinion of the Committee, therefore, it is important that new legislation containing measures in the field of criminal law is formulated with respect for fundamental legal principles.

The statement contains two explanatory reservations (from the Sweden Democrats and the Left Party).