European Public Prosecutor's Office (EPPO)

2013/0255(APP) - 24/02/2014 - Committee interim report tabled for plenary

The Committee on Civil Liberties, Justice and Home Affairs adopted an **interim report** by Salvatore IACOLINO (EPP, IT) on the proposal for a Council regulation on the establishment of the European Public Prosecutor's Office.

The aim of this report – in line with the provisions of the Lisbon Treaty – is to draw up a number of suggestions and provide specific details of a political nature relating to the text proposed by the Commission, which may be carefully considered by the Council.

The Committee on Budgetary Control, exercising its prerogatives as an associated committee under Parliament's Rule 50 of the Rules of Procedure, also gave an opinion on the report.

Members considered that the European Parliament should be extensively involved in the discussion and in the framing of the proposal under consideration, and that the co-legislator will carefully consider the remarks made and solutions identified. They called on the Council to take due account of the following recommendations:

- clearly establish in advance the **non-discretionary criteria** determining which competent court is to exert jurisdiction,
- give the European Public Prosecutor's Office **full independence** both from national governments and from EU institutions;
- precisely determine the scope of the competence of the EPPO to enable the criminal acts that fall within that scope to be identified beforehand and for definitions set out in the Commission proposal, concerning **ancillary competence** to be carefully reviewed;
- specify that the European Public Prosecutor cannot prosecute offences which are not yet set out in the relevant Member States' law at the time of the offence;
- define in a detailed manner the criteria for the use of **investigative measures** should be spelled out in more detail in order to ensure that 'forum shopping' is excluded;
- ensure that the **conditions for admissibility of evidence** should be such as to respect all rights guaranteed by the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights, and the European Court of Human Rights case law;
- maintain the right to **an effective judicial remedy** at all times in respect of the European Public Prosecutor's activity throughout the Union;
- specify that after the **dismissal** by the European Public Prosecutor of a case relating to minor offences, the national prosecution authorities are not prevented from further investigating and prosecuting the case should they be allowed to under their national laws and that the where a lack of relevant evidence cannot foreseeably be remedied by further proportionate investigative steps dismissal is mandatory.

The report recommended that the Council should: take account of the fact that all activities of the European Public Prosecutor's Office should ensure a **high protection of the rights of defence**; (ii) comply with the ne bis in idem principle should be ensured; (iii) ensure that the organisational model of the EPPO should ensure at central level the appropriate skills, experience and knowledge of the legal systems of the Member States.

Lastly, the Council is called upon to **clarify the competence of each existing body** in charge of protecting the Union's financial interests; points out that it is of the utmost importance that the relationship between the EPPO and other existing bodies, such as Eurojust and OLAF, be further defined and clearly demarcated.