

European Public Prosecutor's Office (EPPO)

2013/0255(APP) - 29/04/2015 - Interim resolution adopted by Parliament

The European Parliament adopted by 487 votes to 165, with 33 abstentions, a resolution on the proposal for a Council regulation on the establishment of the European Public Prosecutor's Office (EPPO).

Parliament **confirmed the content of its previous interim report**, adopted in its resolution of 12 March 2014 while reaffirming its determination to achieve the priorities necessary to the establishment of the European Prosecutor, as well as to set the principles and the conditions that determine its approval. It called on the Council **to ensure transparency and democratic legitimacy** by keeping the Parliament fully informed and consulting it regularly. Members called on the Council to **ensure transparency and democratic legitimacy** by keeping Parliament fully informed and regularly consulting it.

Members endorsed the establishment of a **single, strong, independent EPPO** that is able to investigate, prosecute and bring to court the perpetrators of criminal offences affecting the Union's financial interests. They recalled that the relevant criminal offences are to be set out in the proposed [Directive on the fight against fraud to the Union's financial interests by means of criminal law](#). The Council was invited to renew its efforts to find agreement on the latter for the establishment of the EPPO.

The main recommendations presented to the Council are as follows:

An independent European Public Prosecutor's Office:

- the EPPO should be fully independent of national governments and the EU institution and protected from political influence and pressures; the selection and appointment procedures should be **objective and transparent**;
- the European Prosecutors should be appointed by the Council and Parliament by common accord on the basis of a shortlist drawn up by the Commission, following an evaluation by an independent panel of experts chosen from among judges, prosecutors and lawyers of recognised competence.

A clear division of jurisdiction between the EPPO and national authorities:

- the EPPO should first decide whether it has competence and before national authorities initiate their own investigations, in order to avoid parallel investigations which are inefficient;
- the national authorities that carry out investigations of offences which may fall under the competence of the EPPO should be obliged to inform it of any such investigations;
- the powers of the EPPO should extend to offences other than those affecting the Union's financial interests on certain conditions.

An efficient structure for the effective management of cases:

- Members find it regrettable that the option of a collegiate structure is being considered by the Member States, instead of the **hierarchical** one initially proposed by the Commission;
- the **Chambers** should play a leading role in investigations and prosecutions and supervise the work of the European Delegated Prosecutors in the field; the system for allocating cases among the Chambers should follow predetermined and objective criteria.

Investigative measures and admissibility of evidence:

- the legislator should guarantee **streamlined procedures** for the EPPO to obtain authorisation for investigative measures in cross-border cases, in accordance with the law of the Member States concerned;
- the Council should ensure the admissibility of the evidence gathered by the EPPO with full respect for the relevant European and national legislation across the Union;
- EPPO should seek out all relevant evidence, whether inculpatory or exculpatory; suspects or accused persons in any investigation undertaken by the EPPO should be granted certain rights concerning evidence;
- the principle of *ne bis in idem* should be respected with regard to prosecutions involving offences which fall under the competence of the EPPO.

Coherent legal protection for suspects or accused persons:

- the new Office should carry out its activities with **full respect for the rights of suspects** or accused persons which are enshrined in Article 6 TEU, Article 16 TFEU and the Charter of Fundamental Rights of the European Union;
- **effective access to legal aid** in accordance with the relevant national laws;
- any specific provisions on **data protection** contained in the Council regulation on the establishment of the EPPO may only complement and further elaborate the provisions contained in Regulation 2001/45, and only to the extent that it is necessary.

Parliament urged the Council to follow these recommendations and underlined the fact that the aforementioned conditions are essential for Parliament to give its consent to the Council's draft regulation.