Resolution on the European Public Prosecutor's Office and Eurojust

2016/2750(RSP) - 05/10/2016 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution, tabled by the EPP, S&D, ALDE and Greens/EFA groups, on the European Public Prosecutor's Office and Eurojust.

Parliament reaffirmed its longstanding support for the **establishment of an efficient and independent European Public Prosecutor's Office** (EPPO) in order to reduce the current fragmentation of national law enforcement efforts to protect the EU budget, thus strengthening the fight against fraud in the European Union. It recalled that according to a recent study on the VAT gap in the EU-28 Member States, an overwhelming **EUR 159.5 billion** in value added tax (VAT) revenues **was lost across the EU in 2014**.

The resolution called on the Council to:

- provide an **unambiguous and clear set of competences and proceedings** concerning the EPPO based on the proposed directive on the fight against fraud to the Union's financial interests by means of criminal law (PIF Directive);
- strengthen its efforts to find agreement on the **PIF Directive which includes VAT in its scope**, and to reopen negotiations with Parliament, in order to enable the EPPO to be established.

Members stressed that the **EPPO should have priority competence for offences defined in the PIF Directive**. It also expressed deep regret that the Council does not allow the EPPO to be competent in PIF cases where EU funding exceeds EUR 10 000 but does not represent 50 % or more of the co-financing.

Parliament called on the Council to **reopen the debate** on Articles 17 to 20 of the consolidated text of the EPPO proposal in order to ensure more clarity and efficiency for the EPPO; calls on the Council to clarify the prosecution competences of the EPPO and the national prosecutors in cases of (a) multiple offences (one organised group committing several crimes, e.g. money laundering and trafficking in human beings) and (b) mixed offences (more than one criminal offence committed in one criminal act, e.g. VAT fraud and money laundering).

Parliament also insisted on the need to:

- ensure that the EPPO should have **sufficient investigative measures** available to conduct its investigations;
- subject any operational decision affecting third parties taken by the EPPO to **judicial review before a competent national court**; direct judicial review by the European Court of Justice should be possible;
- ensure the **independence of the EPPO**, such as a provision allowing derogation from the national link on grounds related to the proper functioning of the office;
- ensure that the **protection of the procedural rights** of suspected and accused persons must be guaranteed. The regulation should provide for additional rights of defence for EPPO suspects, in particular the right to legal aid, the right to information and access to case materials, and the right to present evidence.

Lastly, recalling the importance of Eurojust's role in improving the judicial cooperation and coordination of the relevant judicial authorities of the Member States and in supporting investigations involving non-EU countries, Parliament called on the Council to **clarify the relations between Eurojust and the EPPO**

, as well as the EPPO’s relation with OLAF, in order to differentiate between their respective roles in the protection of the EU’s financial interests.