

European Public Prosecutor's Office (EPPO)

2013/0255(APP) - 29/09/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Barbara MATERA (EPP, IT) on the draft Council Regulation implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office.

The committee recommended Parliament to **give its consent** to the draft Council Regulation.

In the explanatory memorandum accompanying the recommendation, it is recalled that Parliament adopted three interim reports (2014, 2015 and 2016) on the European Public Prosecutor's Office (EPPO). These reports raised a number of concerns regarding the competences of the EPPO, PIF directive and VAT fraud, structure, investigations, procedural rights, judicial review and relations with other relevant EU agencies.

The Regulation could have been more ambitious. However, Parliament's concerns have largely been taken into account in the text in its present form. The following points are highlighted:

- the EPPO shall be a **body of the Union with a decentralised structure** with the aim of integrating the national law enforcement authorities;
- **the set of competences and proceedings** for the EPPO, include the proposed directive on fighting fraud against the Union's financial interests by means of criminal law ([PIF directive](#));
- **serious cases of cross-border VAT fraud** shall be included in the scope of the directive, setting the threshold value at EUR 10 million;
- the EPPO Regulation shall ensure a **comprehensive system of judicial review** by national courts and allows for possibilities of direct review by the European Court of Justice;
- the EPPO shall have **sufficient investigative measures** available to conduct its investigations. The co-legislators agreed on criteria for Member States to make requests for investigative measures based on the principle of mutual recognition set out in [Directive 2014/41/EU](#) regarding the European Investigation Order in criminal matters;
- in full compliance with the rights of suspects and accused persons enshrined in the Charter of Fundamental Rights, the Regulation shall provide for **rights of defence** for EPPO suspects, in particular the right to legal aid, the right to interpretation and translation, the right to information and access to case materials, and the right to present evidence and to ask the EPPO to collect evidence on behalf of the suspect;
- the EPPO shall establish and maintain cooperative relations with existing Union agencies, offices or bodies such as **Eurojust, OLAF and Europol**;
- the Council included in the Regulation the request for **non-participating Member States** to notify the EPPO as a competent authority for the purpose to respect the judicial cooperation in criminal matters.

While regretting that not all EU Member States are involved in the establishment of the European Public Prosecutor Office, the rapporteur nevertheless welcomed the fact that **20 of them** reached a general approach, including fraud against the Union's financial interests, in particular, serious VAT fraud. Non-participating Member States are encouraged to take part in enhanced cooperation in the future.