2021 discharge: General budget of the EU - European Public Prosecutors Office

2022/2091(DEC) - 27/03/2023 - Committee report tabled for plenary, single reading

The Committee on Budgetary Control adopted the report by Mikuláš PEKSA (Greens/EFA, CZ) on the discharge for the implementation of the budget of the European Public Prosecutor's Office for the financial year 2021.

The committee recommended that the European Parliament **give discharge** to the Administrative Director of the European Public Prosecutor's Office in respect of the implementation of the budget of the European Public Prosecutor's Office for the financial year 2021.

Budgetary and financial management

The report notes that the overall budget allocated to the European Public Prosecutor's Office for 2021 was **EUR 26.3 million**, a decrease of EUR 45 million compared to the initial allocation. EUR 9.2 million was allocated and used while the European Public Prosecutor's Office was not yet financially autonomous but still dependent on the Commission. EUR 9.5 million of the original amount was returned to the EU budget.

In 2021, the budget of the European Public Prosecutor's Office increased substantially compared to 2020 (EUR 11.6 million) as a consequence of a correction of the underestimation of the caseload provided in 2017 when adopting Regulation (EU) 2017/1939. It is important to **adapt the human and financial resources** to the increasing workload and to increase the budget of the European Public Prosecutor's Office accordingly.

The report notes the budget implementation rate of 97% for commitment appropriations and 71% for payment appropriations.

Overall, the COVID-19 pandemic has not had any specific impact on the European Public Prosecutor's Office's activities relating to mopping-up, transfers or necessary investments or on the market costs of goods and services. However, Members note that the COVID-19 pandemic may have contributed to the delay in the timely appointment of Deputy European Public Prosecutors, thereby delaying the start of prosecution and investigation operations.

Internal management, performance and control

The report encourages the European Public Prosecutor's Office to periodically review its set of performance indicators.

In 2021, the European Public Prosecutor's Office received 2 832 alerts of potential infringements – 1 351 from national authorities, 190 from EU institutions, bodies, offices and agencies, 1 282 from private parties and 9 ex officio. The European Public Prosecutor's Office concluded that there were grounds for exercising its jurisdiction and for raising or opening investigations in 576 cases, 31 of which were referred to national authorities after the European Public Prosecutor's Office exercised its jurisdiction.

Five indictments were issued by the European Public Prosecutor's Office in 2021 and one final conviction was ordered by the courts in European Public Prosecutor's Office cases, while in three additional cases simplified prosecution procedures were applied.

The report calls on the Commission and participating Member States to consider **extending the mandate and powers of the European Public Prosecutor's Office** to include the investigation, prosecution and trial of violations of EU restrictive measures.

Human resources, equality and staff well-being

The report welcomes the efforts of the European Public Prosecutor's Office to carry out an intensive recruitment and onboarding process, with the aim of ensuring full operational capacity as soon as possible.

By the end of 2021, out of a total of 217 staff, the central office had 122 statutory staff (91 temporary staff and 31 contract staff), while the national offices currently have 95 special advisers, and there is gender balance at both levels.

Members regret the **selection procedures of European Delegated Prosecutors** in several Member States have been repeatedly unsuccessful in filling the positions initially budgeted for various reasons, amongst them the remuneration level, the lack of a clear career perspective, as well as uncertainty as to their social security and health insurance coverage.

They recall that the European Public Prosecutor's Office is the only Union institution employing prosecutors and that their independence is paramount to the good functioning of the prosecution office; calls on the Commission to address this issue and to ensure the necessary flexibility within the legal framework in order to fully accommodate the special status of prosecutors as EPPO staff.

Ethical framework and transparency

The report notes that the European Public Prosecutor's Office is in the process of developing the essential features of its ethical framework.

Members welcome the fact that the EPPO has adopted an anti-fraud strategy as part of its risk-based management, that all staff provide a conflict of interest declaration, that all staff involved in operational activities are subject to a personal security clearance requirement, and that those who hold the position of Prosecutor or Administrative Director are required to submit declarations of interest, which are then screened.

The report makes the following observations, *inter alia*:

- as regards the case management system, broad interoperability is ensured through the use of concepts and components developed and made available by the Commission. Members welcome the attention given to the use of automated translation services and the development of the ‘translation portal’ for prosecutors, Central Office staff and other staff to improve the efficiency of case processing. The Prosecution Service is invited to further develop its own cyber security capacity;

- the European Public Prosecutor's Office has concluded a cooperation agreement with the Commission and working agreements with the European Investment Bank Group, OLAF, the European Court of Auditors, Europol and Eurojust;

- the lack of cooperation from non-participating Member States since the European Public Prosecutor's Office started its activities in June 2021 is a matter of concern, in particular with regard to the gathering of evidence. The Commission is invited to encourage the widening of the participation of the other Member States that do not yet participate in the European Public Prosecutor's Office;

- the European Public Prosecutor's Office should include in its strategic actions, focused activities aiming to increase its visibility and to endorse the knowledge and understanding of the Union’s vision and approach in the protection of the Union’s and taxpayers’ interests;

- the report invites the Commission to engage in an active dialogue with the EPPO and to submit, without delay, an adequately comprehensive proposal for the revision of Regulation (EU) 2017/1939, aiming to resolve existing shortcomings, particularly in internal processes related to of financial and human resources.