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

2022/2091(DEC) - 10/05/2023 - Text adopted by Parliament, single reading

The European Parliament decided by 523 votes to 104, with 11 abstentions, to **grant discharge** to the Administrative Director in respect of the implementation of the budget of the European Public Prosecutor's Office for the financial year 2021.

In its resolution, adopted by 505 votes to 111 with 9 abstentions, Parliament made the following observations:

Budgetary and financial management

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.

Parliament noted 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 noted 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.

The implementation of the provisions of Regulation (EU) 2017/1939, which define the situations in which a financial contribution from the European Public Prosecutor's Office budget may be required to cover investigation costs at decentralised level and exceptionally costly investigative measures carried out at national level, requires the adaptation of the applicable financial rules, which currently do not allow for the reimbursement of expenses incurred by national judicial systems

Internal management, performance and control

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.

Parliament called 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

Parliament welcomed 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 recalled 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. They called 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.

Based on the experience earned in the first year of operational activity and administrative management of the EPPO, Parliament called on 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.

Ethical framework and transparency

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

Members welcomed 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.

Parliament also commented on the digital transition, cybersecurity and data protection, buildings and security, the environment and sustainability, interinstitutional cooperation and communication.

The resolution made 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;

- no lease agreement has yet been signed with the authorities of the host Member State providing the office space free of charge, despite the provisions of the headquarters agreement. The Luxembourg administration is invited to speed up the process and complete the procedure without further delay;

- 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;

- a dialogue with non-participating Member States must be established. 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.