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INTERIM REPORT

on the proposal for a Council regulation on the establishment of the European
Public Prosecutor's Office
(COM(2013)0534 – 2013/0255(APP))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Monica Macovei

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the proposal for a Council regulation on the establishment of the European Public Prosecutor's Office

(COM(2013)0534 – 2013/0255(APP))

The European Parliament,

- having regard to the proposal for a Council regulation on the establishment of the European Public Prosecutor's Office (COM(2013)0534),
 - having regard to its resolution of 12 March 2014 on the proposal for a Council regulation on the establishment of the European Public Prosecutor's Office¹,
 - having regard to the proposal for a directive on the fight against fraud to the Union's financial interests by means of criminal law (COM(2012)0363),
 - having regard to its resolution of 23 October 2013 on organised crime, corruption, and money laundering: recommendations on action and initiatives to be taken²,
 - having regard to the proposal for a regulation on the European Union Agency for Criminal Justice Cooperation (Eurojust) (COM(2013)0535),
 - having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms, to Articles 2, 6 and 7 of the Treaty on European Union and to the Charter of Fundamental Rights of the European Union,
 - having regard to the Council resolution of 30 November 2009 on a roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings,
 - having regard to the Treaty on the Functioning of the European Union, in particular Articles 86, 218, 263, 265, 267, 268 and 340 thereof,
 - having regard to Rule 99(3) of its Rules of Procedure,
 - having regard to the interim report of the Committee on Civil Liberties, Justice and Home Affairs and to the opinion of the Committee on Legal Affairs (A8-0055/2015),
- A. whereas data collected and analysed by the Commission have led to the identification of suspected fraud to the financial interests of the Union averaging about EUR 500 million per annum, although there are good reasons to believe that as much as EUR 3 billion per year could be at risk from fraud;
- B. whereas the rate of indictment is low – standing at approximately 31 % in the eight years

¹ Texts adopted, P7_TA(2014)0234.

² Texts adopted, P7_TA(2013)0444.

from 2006 to 2013 – compared to the number of judicial recommendations issued by the European Anti-Fraud Office (OLAF) to the Member States; whereas one of the aims of the European Public Prosecutor’s Office (EPPO) is to bridge this gap;

- C. whereas certain Member States might be less effective as regards the detection and prosecution of fraud affecting the EU’s financial interests, thus harming the taxpayers of all the Member States who contribute to the Union’s budget;
 - D. whereas in its resolution of 12 March 2014, Parliament asked the Council for extensive involvement in the legislative work through a constant flow of information and ongoing consultation;
 - E. whereas different jurisdictions, legal traditions, law enforcement and judicial systems in the Member States should not hinder or undermine the fight against fraud and crime affecting the Union’s financial interests;
 - F. whereas terrorism is also financed by organised crime, with criminal groups collecting funding through fraud;
 - G. whereas Article 86 of the Treaty on the Functioning of the European Union allows for the extension of the powers of the EPPO to include serious crimes having a cross-border dimension; whereas this possibility may be taken into account by the Council once the EPPO has been established and is functioning well;
1. Reaffirms its strong willingness to address the priorities for the establishment of the EPPO and to identify the principles and conditions under which it may give its consent;
 2. Reiterates the contents of its previous interim report, adopted in its resolution of 12 March 2014, and seeks to supplement and update them following the latest developments in the Council debate;
 3. Calls on the Council to ensure transparency and democratic legitimacy by keeping Parliament fully informed and regularly consulting it; urges the Council to take its views duly into account, as a precondition to securing consent for the adoption of the EPPO Regulation;
 4. Recalls that the EPPO should have competence for offences related to fraud against the financial interests of the Union; recalls, in this connection, 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 (PIF Directive); calls on the Council, while acknowledging the progress made by the co-legislators in negotiations for the adoption of the PIF Directive, to renew its efforts to find agreement on the latter for the establishment of the EPPO;
 5. Believes that an innovative approach is needed for investigating, prosecuting and bringing to court perpetrators of fraud to the Union’s financial interests, in order to

increase the efficiency of the fight against fraud, the rate of recovery and taxpayers' confidence in the EU institutions;

6. Deems it crucial to ensure 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, and believes that any weaker solution would be a cost for the Union's budget;

An independent European Public Prosecutor's Office

7. Emphasises that the structure of the EPPO should be fully independent of national governments and the EU institutions and protected from political influence and pressure; calls, therefore, for openness, objectiveness and transparency in the selection and appointment procedures for the European Chief Prosecutor, his/her deputies, the European Prosecutors and the European Delegated Prosecutors; believes that in order to prevent any conflicts of interests, the position of European Prosecutor should be a full-time position;
8. Stresses the importance of its involvement in the appointment procedures of the European Prosecutors and suggests an open competition for candidates who meet the necessary criteria of integrity, professionalism, experience and skills; believes that 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; the European Chief Prosecutor should be appointed in accordance with the same procedure following a hearing by Parliament;
9. Believes that the members of the College should be dismissed following a decision by the Court of Justice of the European Union, upon request by the Council, the Commission, Parliament and/or the European Chief Prosecutor;
10. Stresses that Member States must involve national self-governing judicial bodies in the nomination procedures for European Delegated Prosecutors, in accordance with national laws and practices;
11. Welcomes the provision contained in the Council text regarding an annual report to the EU institutions in order to guarantee a continuous assessment of the activities carried out by the new body; calls on the Council to ensure that the annual report contains, inter alia, details on the willingness of national authorities to cooperate with the EPPO;

A clear division of jurisdiction between the EPPO and national authorities

12. Believes that rules governing the division of jurisdiction between the EPPO and the national authorities should be clearly defined in order to avoid any uncertainty or misinterpretation in the operational phase: the EPPO should have jurisdiction to investigate and prosecute the offences constituting fraud to the Union's financial interests according to the directive on the fight against fraud to the Union's financial interests by

means of criminal law; believes that 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;

13. Insists that 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; reiterates the need for the EPPO to have the right to take over such investigations, where it determines that that is appropriate, so as to ensure the independence and effectiveness of the Office;
14. Reiterates that the powers of the European Public Prosecutor's Office should extend to offences other than those affecting the Union's financial interests only where cumulatively:
 - (a) the particular conduct simultaneously constitutes an offence affecting the Union's financial interests and other offences; and
 - (b) the offences affecting the Union's financial interests are predominant and the others are merely ancillary; and
 - (c) the other offences would be barred from further trying and punishment if they were not prosecuted and brought to judgment together with the offences affecting the Union's financial interests; believes, also, that in case of disagreement; between the EPPO and the national prosecution authorities over the exercise of competence, the EPPO should decide, at central level, who will investigate and prosecute; believes, furthermore, that the determination of competence, in accordance with those criteria, should always be subject to judicial review;

An efficient structure for the effective management of cases

15. Finds 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; believes, in this regard, that the decision to prosecute, the choice of the competent jurisdiction, the decision to reallocate or dismiss a case and the decision on transactions should all be taken at central level by the Chambers;
16. Underlines the fact that the Chambers should play a leading role in investigations and prosecutions and not limit their activities to mere functions of coordination, but should supervise the work of the European Delegated Prosecutors in the field;
17. Is concerned over the automatic link between a European Prosecutor in the Central Office and a case lodged in his/her Member State, owing to the fact that this could lead to evident shortcomings in terms of the independence of the prosecutors and the even distribution of cases;
18. Calls, therefore, for the rational organisation of the workload of the Office at central level; notes, in this connection, that the system for allocating cases among the Chambers should follow predetermined and objective criteria; suggests, also, that at a later stage a

specific specialisation of the Chambers could be envisaged;

19. Is convinced that the necessary knowledge, experience and expertise of the national law enforcement systems will also be guaranteed by the EPPO personnel in the Central Office;

Investigative measures and admissibility of evidence

20. Calls on the legislator to 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, where the measure in question is requested and executed; recalls that the co-legislators agreed on criteria for Member States to make requests as regards investigative measures based on the principle of mutual recognition in Directive 2014/41/EU regarding the European Investigation Order in criminal matters; believes that the same criteria should apply in respect of investigative measures to be authorised by the EPPO, particularly with regard to grounds for refusal;
21. Calls on the Council to ensure the admissibility of the evidence gathered by the EPPO with full respect for the relevant European and national legislation across the Union, as this is crucial for ensuring the effectiveness of prosecutions, in accordance with Article 6 TEU, the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights;
22. Reiterates the need for the EPPO to seek out all relevant evidence, whether inculpatory or exculpatory; insists, furthermore, that it is necessary to grant suspects or accused persons in any investigation undertaken by the EPPO certain rights concerning evidence, in particular:
 - (a) The suspect or accused should have the right to present evidence for the consideration of the EPPO;
 - (b) The suspect or accused should have the right to request that the EPPO gather all evidence of relevance to investigations, including appointing experts and hearing witnesses;
23. Believes, given the possible multiple jurisdictions for cross-border offences falling under the competence of the EPPO, that it is essential to ensure that the European Prosecutors, European Delegated Prosecutors and national prosecuting authorities respect fully the principle of ne bis in idem with regard to prosecutions involving offences which fall under the competence of the EPPO;

Access to judicial review

24. Affirms that the right to a judicial remedy should be upheld at all times in respect of the EPPO's activity and recognises, also, the need for the EPPO to operate effectively; believes, therefore, that any decision taken by the EPPO should be subject to judicial review before the competent court; stresses that the decisions taken by the Chambers, such as the choice of jurisdiction for prosecution, the dismissal or reallocation of a case or a transaction, should be subject to judicial review before the Union courts;

25. Believes that for the purposes of the judicial review of all investigative and other procedural measures adopted in its prosecution function, the EPPO should be considered to be a national authority before the competent courts of the Member States;

Coherent legal protection for suspects or accused persons

26. Recalls that 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, and in those legislative measures already adopted at Union level on the procedural rights of suspects and persons accused in criminal proceedings and on the protection of personal data;
27. Affirms that the future directive on legal aid should apply equally to all suspects or accused persons who are under investigation or are being prosecuted by the EPPO; calls on the Member States, in the absence of an EU directive, to ensure effective access to legal aid in accordance with the relevant national laws;
28. Emphasises that all suspects or accused persons who are under investigation or are being prosecuted by the EPPO have the right to the protection of their personal data; underlines, in this regard, the fact that the processing of personal data carried out by the EPPO must be subject to Regulation (EC) No 45/2001; stresses that 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;
29. Reaffirms its strong willingness to establish the EPPO and to reform Eurojust, as has been anticipated by the Commission in both of its proposals; requests that the Commission readjust estimations of the budgetary impact of the collegiate structure; calls for clarification on the relations between Eurojust, the EPPO and OLAF in order to differentiate their respective roles in the protection of the EU's financial interests; calls on the Council and the Commission to examine the possibility of a stronger integrated approach of these agencies in order to make investigations more effective;
30. Urges the Council to follow these recommendations and underlines the fact that the aforementioned conditions are essential for Parliament to give its consent to the Council's draft regulation;
31. Instructs its President to forward this resolution to the Council and the Commission.

EXPLANATORY STATEMENT

The added value of the European Public Prosecutors' Office shall consist of having criminal investigations and prosecutions by a single and independent Office at the European level in the cases of fraud against EU funds, increased prosecutions, funds' recovery and trust of taxpayers in the European Institutions. The current system, even if working well in some Member States, proved to be rather inefficient throughout the Union in terms of prosecutions and funds' recovery.

In general terms, the creation of a European Public Prosecutor Office should be driven by the concrete need to correct the status quo where the rate of indictment of the judicial recommendations by OLAF has been on average 31% in eight years (2006-2013). Consequently, the recovery of our citizens' money has been low and this is unacceptable and needs a serious change.

The Rapporteur would like to deliver a new interim report, outlining the political priorities of the European Parliament and underlining principles and conditions under which the Parliament might consent to the legislator's proposal. Since the adoption of the Commission's proposal in July 2013, the European Parliament has shown a great interest and commitment in taking part in the legislative process. In its resolution of 12 March 2014, the Parliament called the Council to be extensively involved in its work and made a number of political suggestions addressing some of the most crucial aspects at stake: structure, independence, decision making process, competence, investigation tools, admissibility of evidence, judicial review, legal protection.

The orientations expressed so far in the Justice and Home Affairs Council go towards a collegial body composed of one European Prosecutor by Member State headed by a Chief Prosecutor and a concurrent jurisdiction between the new Office and the national prosecution services. The decisions on these matters will have a positive or a negative impact on the effectiveness of the EPPO activities as well as on the overall added value of the new Union body.

26.2.2015

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Council regulation on the establishment of the European Public Prosecutor's Office
(COM(2013)0534 – 2013/0255(APP))

Rapporteur: Victor Negrescu

PA_Consent_Interim

SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its report:

Citations

- having regard to the opinion of the Committee on Legal Affairs for the Committee on Civil Liberties, Justice and Home Affairs of 3 March 2014 on the proposal for a Council regulation on the establishment of the European Public Prosecutor's Office,
- having regard to its resolution of 12 March 2014 on the proposal for a Council regulation on the establishment of the European Public Prosecutor's Office¹,

Recommendations

1. Reiterates the content of the opinion of the Committee on Legal Affairs of 3 March 2014 and aims to address a number of additional elements, including as regards new developments in the debate in Council;
2. Stresses the importance of ensuring the independence of the European Public Prosecutor's Office, the European Chief Prosecutor and his/her deputies, the European prosecutors and the European delegated prosecutors, notably from any undue influence of party political, national political, administrative or judicial authorities, including European institutions; believes that the position of European Prosecutor should be a full-time position;
3. Reaffirms its strong willingness to establish an EPPO and to reform Eurojust as foreseen by the Commission in its proposal for a regulation on Eurojust; is convinced, however, that the Eurojust reform should be put on hold until the Council has adopted a general

¹ Texts adopted, P7_TA(2014)0234.

approach regarding the EPPO; sticks to the package approach, because of the close interaction of EPPO and Eurojust;

4. Considers that the scope of the EPPO's competence should be unambiguously defined in order to avoid legal uncertainty as regards the criminal offences which fall within its remit; in this regard, calls on the Council to clarify the competence of Eurojust, Europol and OLAF so that all bodies in charge of the protection of the EU's financial interests have their respective roles clearly defined and differentiated;
5. Welcomes the proposal that the EPPO should present an annual report to the EU institutions, in order to ensure transparency and assessment of the general lines of its activity, and stresses that this should not constitute a means for the future activity of the EPPO to be influenced by any of the EU institutions;
6. Stresses the need for an open, transparent and independent selection procedure to appoint the European Public Prosecutor and his/her deputies and suggests an open competition for candidates with adequate professionalism, experience and skills, who may be shortlisted by the Commission and evaluated by an independent panel of experts; suggests transmitting the shortlist with the pre-selection to Parliament and the Council and empowering Parliament and the Council to decide to hold further interviews with the candidates whose names are on the shortlist; calls therefore for the full involvement of Parliament in the selection procedure of the European Prosecutor and his/her deputies, with the final decision on appointment to be made by the Council and approved by Parliament;
7. Recommends that the EPPO should pay special attention to the appointment of the European prosecutors and the European delegated prosecutors and to the fulfilment of the criteria regarding qualifications, professional experience and independence, ensuring balanced geographical representation;
8. Underlines the need for the EPPO to examine and investigate with equal rigour cases of serious criminal offences against the financial interests of the EU from all participating Member States, irrespective of any geographical considerations, past cases or surveys and employing a qualitative approach based on objective criteria;
9. Underlines the need for clarity as to how the EPPO will work effectively with all Member States;
10. Recommends that the EPPO should make special efforts to tackle cross-border crime against the financial interests of the EU, considering the complexity of the issue and the high level of danger and damage that it engenders; affirms, however, that the competences of the EPPO should be precisely determined, so as to enable the criminal acts that fall within its scope to be identified beforehand and to distinguish clearly between the competences of the EPPO and those of national prosecutors; in this regard, suggests carefully reviewing the definitions set out in Article 13 of the Commission's proposal concerning ancillary competence, in order to avoid dual jeopardy or judicial loopholes; further suggests ensuring that the investigative tools and measures available to the EPPO should be uniform, precisely identified and compatible with all Member State legal systems so as to ensure that 'forum shopping' can be excluded;

11. Recalls that the actions and investigations undertaken by all prosecutors and staff of the EPPO must be conducted in full compliance with the principles of law, notably as regards the rights conferred on the suspect or the accused person, such as respect for the presumption of innocence until a final and irrevocable court ruling has been reached, the right to a fair trial, the right to remain silent, the right to defence counsel and legal aid, and the principle of *non bis in idem*; calls on the Member States to ensure the adoption of harmonised measures regarding the recognition and admissibility of the evidence submitted by the EPPO; considers, in particular, that the conditions for admissibility of evidence should be such as to respect all rights guaranteed by the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights, as interpreted in the case-law of the European Court of Human Rights, and in accordance with Article 6 of the Treaty on the European Union; considers that the EPPO should actively seek all relevant evidence, whether inculpatory or exculpatory;
12. Regrets that in the current proposal for the establishment of the EPPO the scope of its competence is limited to fraud; calls, therefore, on the Commission, once the EPPO is established, to propose an enlarged mandate for the Office in order to cover certain categories of serious cross-border crime, such as organised crime and terrorism;
13. Invites the Council to provide details of the impact on the EU budget which will be brought about by the proposed collegiate structure; believes that in any event the decision concerning the choice of the competent jurisdiction, the decision to prosecute, the decision to dismiss a case, the decision to reallocate a case and the decision on transaction should all be taken at the central level;
14. Affirms that the right to judicial remedy should be upheld at all times in respect of the EPPO's activity; considers, therefore, that any decision taken by the Office should be subject to judicial review before the competent court; in that regard, insists that decisions taken by the European Public Prosecutor before or independently from the trial, such as the decision to launch an investigation, the choice of jurisdiction for prosecution, the dismissal of a case or a transaction, should be subject to judicial review before the Union courts; stresses that the EPPO should make good any damage under national law caused by unlawful or wrongful prosecution;
15. Considers that, in addition to the annual report of the EPPO on its general activities, the regulation should provide for a review clause in order to counter-check the objectives of the establishment of the Office and the results obtained, in order to identify gaps and loopholes which need to be addressed.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	24.2.2015
Result of final vote	+: 16 -: 3 0: 4
Members present for the final vote	Joëlle Bergeron, Marie-Christine Boutonnet, Jean-Marie Cavada, Kostas Chrysogonos, Therese Comodini Cachia, Mady Delvaux, Andrzej Duda, Rosa Estaràs Ferragut, Laura Ferrara, Mary Honeyball, Sajjad Karim, Gilles Lebreton, António Marinho e Pinto, Jiří Maštálka, Evelyn Regner, Pavel Svoboda, József Szájer, Axel Voss, Tadeusz Zwiefka
Substitutes present for the final vote	Pascal Durand, Heidi Hautala, Sylvia-Yvonne Kaufmann, Victor Negrescu, Viktor Uspaskich
Substitutes under Rule 200(2) present for the final vote	Krisztina Morvai



ЕВРОПЕЙСКИ ПАРЛАМЕНТ PARLAMENTO EUROPEO EVROPSKÝ PARLAMENT EUROPA-PARLAMENTET
EUROPÄISCHES PARLAMENT EUROOPA PARLAMENT ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΟΒΟΥΛΙΟ EUROPEAN PARLIAMENT
PARLEMENT EUROPÉEN PARLAIMINT NA HEORPA EUROPSKI PARLAMENT PARLAMENTO EUROPEO
EIROPAS PARLAMENTS EUROPOS PARLAMENTAS EURÓPAI PARLAMENT IL-PARLAMENT EWROPEW
EUROPEES PARLEMENT PARLAMENT EUROPEJSKI PARLAMENTO EUROPEU PARLAMENTUL EUROPEAN
EURÓPSKY PARLAMENT EVROPSKI PARLAMENT EUROOPAN PARLAMENTTI EUROPAPARLAMENTET

Committee on Budgetary Control
The Chair

IPOL-COM-CONT D(2015)3294

Mr Claude Moraes
Chair
Committee on Civil Liberties,
Justice and Home Affairs

ASP 13G205
European Parliament

Subject: Updated interim report on the proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office (COM(2013)534 – 2013/0255(APP))

Dear Mr Moraes,

I am writing to you concerning your offer to have the Committee on Budgetary Control's (CONT) input on the updated interim report on the EPPO's proposal, in which your Committee is preparing to express the Parliament's position responding to the latest discussions by the Member States. I would like to thank you for the good on-going cooperation on this matter.

As emphasised in the EP's resolution of 12 March 2014, the creation of a European Public Prosecutor's Office represents a step further in the establishment of a European area of criminal justice and contributes to the strengthening of the tools used in the protection of the EU's financial interests and the fight against fraud, thereby helping to increase taxpayers' confidence in the EU. The EPPO being an exclusive legislative competence of the Council, the CONT Committee calls on the Council to fully involve the Parliament in its work.

The CONT Committee considers that it needs to be assured that the EPPO operates in full respect of, and in compliance with, fundamental rights, but that it also needs to be versatile, streamlined, efficient and capable of achieving maximum results. The EPPO should be fully independent from national governments and EU institutions and be protected from any political pressure and/or influence. Also, the scope of the EPPO competence should be

unambiguously defined in order to avoid legal uncertainty as regards the criminal offences which fall within its remit. It is of the utmost importance that the Council clarifies the competences of Eurojust and OLAF so that the three existing bodies in charge of the protection of the EU's financial interests have their respective roles clearly defined and differentiated.

In addition, we demand that the investigative tools and measures available to the EPPO are uniform, clearly identified and compatible with the legal systems of the Member States in which they are to be implemented. The rules on the admissibility of evidence, and its assessment in accordance with Article 30 of the Commission proposal, must be clear and be of uniform application in each jurisdiction covered by the EPPO, and in full compliance with procedural safeguards.

Furthermore, the CONT Committee asks for the EPPO organisational model, at central level, to have the appropriate skills, experience and knowledge so that those who are required to conduct investigations have the necessary skill sets to manage such investigations in the legal systems of the Member States concerned.

We note that in the Council a majority of Member States consider that a College of European Prosecutors would be the most appropriate structure of ensuring that the necessary level of skills and experience are available when undertaking investigations. However, we suspect that this structure might lead to a loss of independence or lead to inefficiency within the Office, and we are therefore concerned by the discussions going on in the Council about the structure and the competences of the Office.

We welcome the Council's intention to grant the EPPO and the Member States concurrent competence to investigate crimes against the EU's financial interests, which will help ensure that investigations are carried out at the appropriate level.

The CONT Committee asks the LIBE Committee to encourage the Council to respect the following principles:

- an open and transparent selection procedure to appoint the European Prosecutors, with the full involvement of the Parliament in the selection procedure of the European Chief Prosecutor and his/her Deputies, in order to make the Office a truly European body and to ensure its independence from national governments;
- an assignment of cases among Prosecutors according to expertise,
- the setting up of a decentralised structure – as proposed by the Commission – that enables the European Delegated Prosecutors to initiate and lead investigations in their or in another Member State, allowing for investigations to remain within national prosecution systems, while at the same time the EPPO being informed by the Prosecutor whenever an investigation is launched; thereby preventing the problems currently being experienced by OLAF, which has to rely on Member States' authorities to provide a certain level of information for being able to fulfil its function;
- lastly, and in order to guarantee the EPPO's efficiency, evidence collected by the Office has to be admissible before the courts of the Member States and in full

compliance with the law of the Member State where the investigation took place, as well as its own rules set out in the Regulation.

We deplore the fact that the EPPO proposal is accompanied neither by a proposal for the establishment of a European Criminal Tribunal as a specialised court attached to the General Court pursuant to Article 257 TFEU, nor by a proposal for a European procedural law framework. The Committee that I preside asks for the Council to analyse these suggestions.

Furthermore the CONT Committee considers it necessary that EU officials be put on an equal footing with other Union citizens and therefore asks for Article 11(a) of the Protocol on the Privileges and Immunities of the European Union and Article 19 of the Staff Regulation of the Union to be amended accordingly, thereby allowing immediate action by the EPPO.

In the same way, the Committee asks for the EPPO proposal to be fully aligned with the current legislative proposal setting out common minimum rules governing the right to provisional legal aid for suspects or accused persons in criminal proceedings (2013/0409(COD)).

We will continue to closely follow the Council's negotiations and we very much hope you will be able to take our requests into account when working on the draft interim report.

With kind regards,

Dr Inge Gräßle

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	9.3.2015
Result of final vote	+: 41 -: 13 0: 2
Members present for the final vote	Jan Philipp Albrecht, Martina Anderson, Malin Björk, Michał Boni, Caterina Chinnici, Ignazio Corrao, Agustín Díaz de Mera García Consuegra, Frank Engel, Tanja Fajon, Laura Ferrara, Lorenzo Fontana, Mariya Gabriel, Ana Gomes, Jussi Halla-aho, Monika Hohlmeier, Brice Hortefeux, Sophia in 't Veld, Iliana Iotova, Eva Joly, Sylvia-Yvonne Kaufmann, Timothy Kirkhope, Kashetu Kyenge, Marju Lauristin, Juan Fernando López Aguilar, Monica Macovei, Barbara Matera, Roberta Metsola, Louis Michel, Claude Moraes, József Nagy, Péter Niedermüller, Soraya Post, Judith Sargentini, Birgit Sippel, Helga Stevens, Traian Ungureanu, Harald Vilimsky, Udo Voigt, Beatrix von Storch, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský
Substitutes present for the final vote	Janice Atkinson, Hugues Bayet, Carlos Coelho, Pál Csáky, Dennis de Jong, Teresa Jiménez-Becerril Barrio, Miltiadis Kyrkos, Gilles Lebreton, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Barbara Spinelli, Josep-Maria Terricabras, Axel Voss