



2018/2112(INI)

11.12.2018

AMENDMENTS

1 - 33

Draft opinion
Tomáš Zdechovský
(PE631.776v01-00)

Implementation of the Treaty provisions concerning enhanced cooperation
(2018/2112(INI))

Amendment 1
Anders Primdahl Vistisen

Draft opinion
Recital A

Draft opinion

A. whereas Article 86 of the Treaty on the Functioning of the European Union (TFEU) provides ***an explicit formal*** basis for the creation of a European Public Prosecutor's Office (EPPO) and determines the applicable legislative procedure and instrument, as well as the scope and competence, of the future EPPO;

Amendment

A. whereas Article 86 of the Treaty on the Functioning of the European Union (TFEU) provides ***a*** basis for the creation of a European Public Prosecutor's Office (EPPO) and determines the applicable legislative procedure and instrument, as well as the scope and competence, of the future EPPO;

Or. en

Amendment 2
Maite Pagazaurtundúa Ruiz

Draft opinion
Recital D

Draft opinion

D. whereas enhanced cooperation is a procedure whereby a minimum of nine Member States are permitted to establish advanced cooperation in an area within the structures of the EU, but without the involvement of the remaining Member States; whereas enhanced cooperation allows those participating Member States to achieve a common goal or initiative and to overcome paralysis in negotiations or a blockage by another Member State or Member States;

Amendment

D. whereas enhanced cooperation is a procedure whereby a minimum of nine Member States are permitted to establish advanced cooperation in an area within the structures of the EU, but without the involvement of the remaining Member States; whereas enhanced cooperation allows those participating Member States to achieve a common goal or initiative and to overcome paralysis in negotiations or a blockage by another Member State or Member States; ***whereas those cases of paralysis have considerably increased over the last years and the provision on enhanced cooperation is foreseen to be increasingly used in the future;***

Or. en

Amendment 3
Kostas Chrysogonos

Draft opinion
Recital E a (new)

Draft opinion

Amendment

E a. whereas some of the main obstacles to enhanced cooperation are the unanimity requirement and the different sovereignty issues in the different Member States;

Or. en

Amendment 4
Anders Primdahl Vistisen

Draft opinion
Recital E a (new)

Draft opinion

Amendment

E a. whereas pursuant to Article 20 (4) TEU, acts adopted in the framework of enhanced cooperation shall bind only participating Member States;

Or. en

Amendment 5
Kostas Chrysogonos

Draft opinion
Recital E b (new)

Draft opinion

Amendment

E b. whereas enhanced cooperation is limited to areas of shared competence and shall not undermine the internal market;

Or. en

Amendment 6
Kostas Chrysogonos

Draft opinion
Recital E c (new)

Draft opinion

Amendment

E c. whereas the qualified majority voting requirement with the participation of all Member States in the authorisation phase of enhanced cooperation makes it rather difficult to launch enhanced cooperation with just the minimum required number of Member States, and even more unlikely if enhanced cooperation is launched in an area where a previous qualified majority voting vote failed;

Or. en

Amendment 7
Kostas Chrysogonos

Draft opinion
Recital E d (new)

Draft opinion

Amendment

E d. whereas Parliament's involvement is quite marginal, even though its consent is required before the Council authorises the willing Member States to proceed with enhanced cooperation;

Or. en

Amendment 8
Kostas Chrysogonos

Draft opinion
Recital E e (new)

Draft opinion

Amendment

E e. whereas there is no provision in

the Treaties on how to deal with a Member State that wants to exit an existing case of enhanced cooperation or does not fulfil the requirements anymore, except for the special case of Permanent Structured Cooperation [Article 46 (4) and (5) TEU];

Or. en

Amendment 9
Kostas Chrysogonos

Draft opinion
Recital E f (new)

Draft opinion

Amendment

E f. whereas there is a potential loophole in the organisation of enhanced cooperation linked to the requirement to continue with the unanimity requirement within the enhanced cooperation, unless the passerelle clause contained in Article 333 TFEU is used to switch over to qualified majority voting;

Or. en

Amendment 10
Kostas Chrysogonos

Draft opinion
Recital E g (new)

Draft opinion

Amendment

E g. whereas there is a risk that a non-interested Member State could enter the enhanced cooperation only to sabotage its advancement due to the unanimity requirement and to prevent the switch over to qualified majority voting through the passerelle clause;

Or. en

Amendment 11
Anders Primdahl Vistisen

Draft opinion
Paragraph 1

Draft opinion

1. **Reaffirms Parliament's strong support for establishing** an efficient and independent EPPO, in order to reduce the presently fragmented nature of national law enforcement efforts to protect the EU budget, and to strengthen the fight against fraud in the European Union;

Amendment

1. **Notes that a majority in the Parliament supports the establishment of** an efficient and independent EPPO, in order to reduce the presently fragmented nature of national law enforcement efforts to protect the EU budget, and to strengthen the fight against fraud in the European Union;

Or. en

Amendment 12
Monika Beňová

Draft opinion
Paragraph 1

Draft opinion

1. Reaffirms Parliament's strong support for establishing an efficient and independent EPPO, in order to reduce the presently fragmented nature of national law enforcement efforts to protect the EU budget, and to strengthen the fight against fraud in the European Union;

Amendment

1. Reaffirms Parliament's strong support for establishing an efficient and independent EPPO, in order to reduce the presently fragmented nature of national law enforcement efforts to protect the EU budget, and to strengthen the fight against **financial** fraud in the European Union;

Or. en

Amendment 13
Andrejs Mamikins
on behalf of the S&D Group

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1 a. Recalls that the Parliament adopted three resolutions on 29 April 2015, 5 October 2016 and 5 October 2017, following two interim Committee reports, during the negotiations in the Council on the establishment of the European Public Prosecutor's Office;

Or. en

Amendment 14
Anders Primdahl Vistisen

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1 a. Believes that the establishment of an EPPO would duplicate powers and bodies already existing in Member States;

Or. en

Amendment 15
Andrejs Mamikins
on behalf of the S&D Group

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1 b. Regrets, however, that despite the Parliament's constructive and measured approach to the enhanced cooperation procedure, the Council showed little interest in engaging formally with the Parliament prior to the request for Parliament's consent on the final negotiated text;

Or. en

Amendment 16
Anders Primdahl Vistisen

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1 b. Believes that the objective countering fraud affecting financial interests of the Union can best be achieved by the Member States within the existing framework for coordination and cooperation throughout the EU;

Or. en

Amendment 17
Andrejs Mamikins
on behalf of the S&D Group

Draft opinion
Paragraph 1 c (new)

Draft opinion

Amendment

1 c. Acknowledges, nonetheless, that a number of Parliaments concerns, as expressed in its resolutions, were addressed to some extent in the final text negotiated adopted by the Council;

Or. en

Amendment 18
Anders Primdahl Vistisen

Draft opinion
Paragraph 2

Draft opinion

Amendment

2. Welcomes the fact that 22 Member States are already participating in enhanced cooperation on the EPPO, and encourages non-participating Member States to join as soon as possible with a view to

2. Notes the fact that 22 Member States are already participating in enhanced cooperation on the EPPO;

improving the Office's efficiency;

Or. en

Amendment 19
Kostas Chrysogonos

Draft opinion
Paragraph 2

Draft opinion

2. Welcomes the fact that 22 Member States are already participating in enhanced cooperation on the EPPO, *and encourages non-participating Member States to join as soon as possible with a view to improving the Office's efficiency;*

Amendment

2. Welcomes the fact that 22 Member States are already participating in enhanced cooperation on the EPPO;

Or. en

Amendment 20
Maite Pagazaurtundúa Ruiz

Draft opinion
Paragraph 2

Draft opinion

2. Welcomes the fact that 22 Member States are already participating in enhanced cooperation on the EPPO, and encourages non-participating Member States to join as soon as possible with a view to improving the Office's efficiency;

Amendment

2. Welcomes the fact that 22 Member States are already participating in enhanced cooperation on the EPPO, and *reminds the inclusive nature of the EPPO;* encourages non-participating Member States to join as soon as possible with a view to improving the Office's efficiency;

Or. en

Amendment 21
Kostas Chrysogonos

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2 a. Stresses that enhanced cooperation in the area of the Common Foreign and Security Policy shall be aimed at safeguarding the values and serving the interests of the Union as a whole and shall respect the principles, objectives, general guidelines and consistency of the Common Foreign and Security Policy, the powers of the European Community and the consistency between all the Union's policies and its external activities;

Or. en

Amendment 22
Kostas Chrysogonos

Draft opinion
Paragraph 2 b (new)

Draft opinion

Amendment

2 b. Highlights that such enhanced cooperation shall relate only to the implementation of a joint action or a common position, and it shall not relate to matters having military or defence implications;

Or. en

Amendment 23
Kostas Chrysogonos

Draft opinion
Paragraph 2 c (new)

Draft opinion

Amendment

2 c. Underlines that the Parliament and the other members of the Council shall be kept fully informed of the implementation of enhanced cooperation; notes that this task is incumbent on the

Amendment 24
Kostas Chrysogonos

Draft opinion
Paragraph 2 d (new)

Draft opinion

Amendment

2 d. Notes that Member States which intend to establish enhanced cooperation between themselves shall address a request to the Commission, which may submit a proposal to the Council to that effect;

Amendment 25
Kostas Chrysogonos

Draft opinion
Paragraph 2 e (new)

Draft opinion

Amendment

2 e. Stresses that enhanced cooperation provides a tool for problem-solving that is not only legal but also convenient, as it is based on the Treaty provisions and operates within the Union institutional structure and delivers tangible results;

Amendment 26
Kostas Chrysogonos

Draft opinion
Paragraph 2 f (new)

Draft opinion

Amendment

2 f. *Points out that enhanced cooperation most often arises in areas governed by a special legislative procedure requiring unanimity, and has predominantly been used in the area of justice and home affairs;*

Or. en

**Amendment 27
Anders Primdahl Vistisen**

**Draft opinion
Paragraph 4**

Draft opinion

Amendment

4. *Emphasises that the implementation of the EPPO will require effective and efficient cooperation between the national prosecutors and the EPPO, and with the agencies of the EU, such as the European Anti-Fraud Office (OLAF) and Eurojust;*

deleted

Or. en

**Amendment 28
Monika Beňová**

**Draft opinion
Paragraph 4**

Draft opinion

Amendment

4. Emphasises that the implementation of the EPPO will require effective and efficient cooperation between the national prosecutors and the EPPO, and with the agencies of the EU, such as the European Anti-Fraud Office (OLAF) and Eurojust;

4. Emphasises that the implementation of the EPPO will require effective and efficient cooperation between the national prosecutors and the EPPO, and with the agencies of the EU, such as the European Anti-Fraud Office (OLAF) and Eurojust, ***it is also encouraged that capacity building should begin at earliest possible time in order to develop harmonised standards of***

operation;

Or. en

Amendment 29
Kostas Chrysogonos

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4 a. Recommends that the special passerelle clause enshrined in Article 333 TFEU be activated to switch from unanimity to qualified majority voting, and from a special to the ordinary legislative procedure, immediately after an agreement on the start of enhanced cooperation is approved by the Council, in order to avoid new blockages if the number of participating Member States is significant;

Or. en

Amendment 30
Kostas Chrysogonos

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5 a. Recommends that Parliament shall play a stronger role in enhanced cooperation and shall be involved in every stage of the procedure; believes that Parliament shall also receive regular reports on the implementation of enhanced cooperation;

Or. en

Amendment 31
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Maite Pagazaurtundúa Ruiz

**Draft opinion
Paragraph 6**

Draft opinion

6. Calls on the Commission to keep Parliament regularly informed of the implementation and institutional development of the EPPO, in the light of the potential expansion of its mandate to include the fight against cross-border terrorism.

Amendment

6. Calls on the Commission to keep Parliament regularly informed ***at every stage*** of the implementation and institutional development of the EPPO, in the light of the potential expansion of its mandate to include the fight against cross-border terrorism.

Or. en

**Amendment 32
Judith Sargentini**

**Draft opinion
Paragraph 6 a (new)**

Draft opinion

Amendment

6 a. Welcomes the fact that 18 Member States will participate in enhanced cooperation on property regimes of marriages and registered partnerships as applicable from 29 January 2019; underlines the necessity to protect fundamental rights, including the right to respect for private and family life and prohibition of discrimination.

Or. en

**Amendment 33
Andrejs Mamikins
on behalf of the S&D Group**

**Draft opinion
Paragraph 6 a (new)**

Draft opinion

Amendment

6 a. Calls on the Council to engage

more meaningfully, at a formal level, with Parliament in possible future enhanced cooperation procedures to ensure the maximum extent cohesion and coherence between the Union's co-legislators.

Or. en