



2018/2112(INI)

30.11.2018

DRAFT OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Constitutional Affairs

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

Rapporteur: Tomáš Zdechovský

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SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- 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;
 - B. whereas it is important that the EU and all its Member States detect and prosecute in an effective and dissuasive manner fraud which affects the EU's financial interests, so as to protect taxpayers of all the Member States who contribute to the Union's budget;
 - C. whereas Article 86 TFEU explicitly stipulates the possibility of establishing enhanced cooperation in the event of disagreement;
 - 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;
 - E. whereas pursuant to Article 328(1) TFEU, the Commission and the Member States participating in enhanced cooperation shall ensure that they promote participation by as many Member States as possible;
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;
 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;
 3. Notes that following the completion of a three-year build-up phase, it is envisaged that the EPPO will assume its duties by the end of 2020, rendering any assessment of its implementation premature at this stage;
 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;
 5. Is closely following all steps taken hitherto to establish the EPPO, including implementing measures for the selection and appointment of the European Chief Prosecutor and European Prosecutors, as well as budgetary measures;

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.