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: Salvatore Iacolino

Rapporteur for the opinion (*):

Ingeborg Gräßle, Committee on Budgetary Control

(*) Associated committee - Rule 50 of the Rules of Procedure
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(*) Associated committee - Rule 50 of the Rules of Procedure
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 (COM(2013)0534),

– 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 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 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 its resolution of 23 October 2013 on organised crime, corruption, and money laundering: recommendations on action and initiatives to be taken¹,

– having regard to other instruments in the area of criminal justice which have been adopted in codecision by the European Parliament together with the Council, such as Directive 2013/48/EU on the right of access to a lawyer in criminal proceedings and on the right to communicate upon arrest, the Directive regarding the European Investigation Order in criminal matters, etc,

– having regard to the European Convention on Human Rights,

– having regard to Articles 2, 6 and 7 of the Treaty on European Union and the Charter of Fundamental Rights of the European Union,

– having regard to the Treaty on the Functioning of the European Union, in particular its Articles 86, 218, 263, 265, 267, 268 and 340,

– having regard to the opinion of the European Union Agency for Fundamental Rights,

– having regard to the opinion of the European Social and Economic Committee of 11 December 2013,

– having regard to the opinion of the Committee of the Regions of 30 January 2014,

– having regard to Rule 81(3) of its Rules of Procedure,

¹ Texts adopted, P7_TA(2013)0444.
– having regard to the interim report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Budgetary Control, the Committee on Budgets and the Committee on Legal Affairs (A7-0141/2014),

A. whereas the main objectives of establishing the European Public Prosecutor’s Office are to contribute to the strengthening of the protection of the Union’s financial interests, to enhance the trust of EU businesses and citizens in the Union’s institutions, and to ensure a more efficient and effective investigation and prosecution of offences affecting the EU’s financial interests, while fully respecting the fundamental rights enshrined in the Charter of Fundamental Rights of the European Union;

B. whereas the EU has set itself the task of developing an Area of Freedom, Security and Justice, and whereas, pursuant to Article 6 of the Treaty on European Union, it respects human rights and fundamental freedoms; whereas crime is increasingly taking on a cross-border dimension, and in the case of crimes against the Union’s financial interest, which generate significant financial damage every year, the EU must provide an effective response, giving added value to the joint efforts of all the Member States, as the protection of the EU budget against fraud can be better achieved at EU level;

C. whereas the principle of zero tolerance where the EU budget is concerned should be applied in order to address fraud against the financial interests of the European Union in a coherent and efficient manner;

D. whereas the Member States have primary responsibility for implementing some 80 % of the Union budget, and for the collection of own resources as established in Council Decision 2007/436/EC, Euratom1, which is shortly to be replaced by a Council decision on the amended Commission proposal for a Council decision on the system of own resources of the European Union (COM(2011)0739);

E. whereas it is equally important to ensure that the Union’s financial interests are protected both at the level of collection of the EU’s resources and at the level of expenditure;

F. whereas 10 % of enquiries conducted by OLAF concern cases of cross-border organised crime, but those cases account for 40 % of the overall financial impact on the financial interests of the European Union;

G. whereas the establishment of a European Public Prosecutor’s Office (EPPO) is the only act under the criminal justice system for which the ordinary legislative procedure would not be applicable;

H. whereas the proposal for a regulation on the establishment of the European Public Prosecutor’s Office is intrinsically linked to the proposal for a directive on the fight against fraud to the Union’s financial interests by means of criminal law and to the proposal for a regulation on the European Union Agency for Criminal Justice

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Cooperation (Eurojust), which are subject to the ordinary legislative procedure;

I. whereas respect for the rule of law must be a guiding principle for all European legislation, especially in matters relating to justice and the protection of fundamental human rights;

J. whereas 14 national parliamentary chambers from 11 Member States have triggered the ‘yellow card’ in relation to the Commission proposal and whereas on 27 November 2013 the Commission decided to maintain the proposal, while nevertheless stating that it would take due account of the reasoned opinions of the national parliamentary chambers during the legislative process;

K. whereas Article 86(1) TFEU requires unanimity within the Council in order to establish an European Public Prosecutor’s Office; whereas it seems very unlikely that this unanimity will be reached and it therefore seems more likely that some Member States will establish a European Public Prosecutor’s Office by means of enhanced cooperation, which would require the Commission to present a new proposal;

1. Considers the objective of the Commission proposal to represent a further step towards the establishment of a European area of criminal justice and the strengthening of the tools for fighting fraud against the Union’s financial interests, thus increasing the taxpayers’ confidence in the EU;

2. Considers that the establishment of a European Public Prosecutor's Office could give a particular added value to the Area of Freedom, Security and Justice, assuming that all Member States participate, since the financial interests of the Union and thus the interests of the European taxpayers must be protected in all Member States;

3. Calls on the Council to extensively involve Parliament in its legislative work through a constant flow of information and ongoing consultation of Parliament, so as to achieve an outcome which is in line with the changes to the Treaty on the Functioning of the European Union following the Lisbon process and which is essentially welcomed by both parties;

4. Calls on the European legislator, considering that the consistency of overall EU action in the field of justice is vital for its effectiveness, to deal with this proposal in the light of others that are closely linked to it, such as the proposal for a directive on the fight against fraud to the Union’s financial interests by means of criminal law, the proposal for a regulation on the European Union Agency for Criminal Justice Cooperation (Eurojust) and other relevant instruments in the field of criminal justice and procedural rights, in order to be able to ensure that it is fully compatible with all the above and is consistently implemented;
5. Emphasises that the powers and practice of the European Public Prosecutor’s Office must respect the body of fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights, and the constitutional traditions of the Member States; therefore calls on the Council to take due account of the following recommendations:

(i) the European Public Prosecutor’s Office should operate in strict observance of the right to a fair trial and thus comply with the principle of the natural court, which requires that the criteria determining which competent court is to exert jurisdiction are clearly established in advance; as the current formulation of Article 27(4) grants the European Public Prosecutor’s Office excessive discretion in applying the various jurisdiction criteria, those criteria should be rendered binding and a hierarchy should be created between them in order to ensure foreseeability; in this regard, the rights of the suspect should be taken into account; furthermore, the determination of competence in accordance with those criteria should be subject to judicial review;

(ii) the European Public Prosecutor’s Office should be given full independence both from national governments and from EU institutions and should be protected from any political pressure;

(iii) the scope of the competence of the EPPO should be precisely determined, to enable the criminal acts that fall within that scope to be identified beforehand; Parliament calls for the definitions set out in Article 13 of the Commission proposal, concerning ancillary competence, to be carefully reviewed as in its current drafting they exceed the limits of the scope of Article 86(1) to (3) TFEU; this should be done in such a way as to ensure that the powers of the European Public Prosecutor’s Office 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 other 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;

In addition, the determination of competence in accordance with those criteria should be subject to judicial review;

(iv) taking into account the fact that the Directive provided for in Article 12 of the
proposal setting out the offences for which the European Public Prosecutor will be competent has not yet been adopted, the text of the proposal should specify that the European Public Prosecutor cannot prosecute offences which are not yet set out in the relevant Member States’ law at the time of the offence; in addition, the EPPO should not exercise its competence with regard to offences committed before it becomes fully operative; in this regard, Article 71 of the proposal should be amended accordingly;

(v) the investigative tools and investigation measures available to the EPPO should be uniform, precisely identified and compatible with the legal systems of the Member States where they are implemented; in addition, the criteria for the use of investigative measures should be spelled out in more detail in order to ensure that ‘forum shopping’ is excluded;

(vi) the admissibility of evidence and its assessment in accordance with Article 30 are key elements in the criminal investigation; the relevant rules must therefore be clear and uniform throughout the area covered by the European Public Prosecutor’s Office, and should fully comply with procedural safeguards; to ensure such compliance, 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, the European Convention on Human Rights, and the European Court of Human Rights case law;

(vii) the right to an effective judicial remedy should be upheld at all times in respect of the European Public Prosecutor’s activity throughout the Union; therefore, decisions taken by the European Public Prosecutor should be subject to judicial review before the competent court; in this regard, decisions taken by the European Public Prosecutor before or independently from the trial, such as those described in Articles 27, 28 and 29 concerning competence, dismissal of cases or transactions, should be subject to the remedies available before the Union Courts.

Article 36 of the proposal should be redrafted to avoid the circumvention of the Treaty provisions on the jurisdiction of the Union’s courts and a disproportionate limitation to the right to an effective judicial remedy under Article 47(1) of the Charter of Fundamental Rights.

(viii) the provisions of Article 28 of the proposal should clearly state that after the dismissal by the European Public Prosecutor of a case relating to minor offences, the national prosecution authorities are not prevented from further investigating and prosecuting the case should they be allowed to under their national laws; and that where a lack of relevant evidence cannot be foreseeably be remedied by further proportionate investigative steps dismissal is mandatory; in addition, the existence of mandatory dismissal grounds should be checked for as soon as possible in the course of the investigation, and dismissal should follow without undue delay upon the finding that one of the mandatory grounds applies;

(ix) arbitrary administration of justice has to be avoided under all circumstances; thus, the condition of ‘proper administration of justice’ as a ground for transaction as set out in Article 29(1) of the proposal should be replaced by more specific criteria;
transaction should in particular be excluded as of the time of the indictment, and in any event in cases which can be dismissed under Article 28 of the proposal as well as in serious cases;

(x) as the European Public Prosecutor’s powers require not just judicial review by the Court of Justice, but also oversight by the European Parliament and national parliaments, relevant provisions need to be included in particular to ensure effective and coherent practices among Member States and compatibility with the rule of law;

6. Calls on the Council, furthermore, stressing the need for the utmost respect for fundamental principles such as that of a fair trial, to which defence safeguards in criminal trials are directly connected, to take account of the following recommendations and act accordingly:

(i) all the activities of the European Public Prosecutor’s Office should ensure a high protection of the rights of defence, particularly considering that the Union could become an area in which the European Public Prosecutor’s Office could act, at operating speed, without having to resort to instruments of mutual legal assistance; in this regard, the respect of EU minimum standards in the field of the rights of individuals in criminal procedure in all Member States is a key element for the adequate functioning of the EPPO.

It should be noted in this respect that the Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings, adopted by the Council on 30 November 2009, has not yet been completed and that the proposal merely refers to the national legal systems for all issues relating to the right to remain silent, the presumption of innocence, the right to legal aid and to investigations for the defence; therefore, to respect the principle of equality of arms, the law applicable to the suspects or accused persons involved in the proceedings of the European Public Prosecutor’s Office should also apply to the procedural safeguards against the latter’s investigative or prosecutorial acts, without prejudice to any additional or higher standards of procedural safeguards granted by Union law;

(ii) after expiry of the relevant transposition period, non-transposition or wrong transposition into national law of one of the procedural rights acts of Union law should never be interpreted against an individual subject to investigation or prosecution, and their application will always be in accordance with the case law of the Court of Justice and the European Court of Human Rights;

(iii) compliance with the ne bis in idem principle should be ensured;

(iv) The prosecution should comply with Article 6 of the Treaty on the European Union, Article 16 of the Treaty on the Functioning of the European Union, the Charter of Fundamental Rights of the European Union and the applicable EU legislation on the
protection of personal data; particular attention should be paid to the rights of the data subject where personal data are transferred to third countries or international organisations;

7. Calls on the Council to take into account the following recommendations, to ensure that the structure of the European Public Prosecutor’s Office is versatile, streamlined and efficient and is able to achieve maximum results:

(i) in order to ensure a successful and fair outcome for investigations and their coordination, those who are required to conduct them should have in-depth knowledge of the legal systems of the countries concerned; to that end, the organisational model of the EPPO should ensure at central level the appropriate skills, experience and knowledge of the legal systems of the Member States;

(ii) to ensure that decisions are taken promptly and efficiently, the decision-making process should be able to be expanded by the EPPO, with the assistance of national Delegated Prosecutors responsible for specific cases;

(iii) to ensure that the EPPO is able to guarantee high standards of independence, efficiency, experience and professionalism, its staff should be as highly qualified as possible and should ensure that the objectives set out in this resolution are achieved; in particular, the staff members in question may come from the judiciary, from the legal profession or from other sectors in which they have acquired the aforementioned experience and professionalism, as well as appropriate knowledge of the legal systems of the Member States; in this regard, the Commission’s statements in paragraph 4 of the proposal’s Explanatory Memorandum in relation to overall costs should match actual requirements relating to the efficiency and functionality of the EPPO;

(iv) a control mechanism should be established and should report annually on the EPPO’s activities;

8. Takes note of the idea of basing the European Public Prosecutor’s Office on existing structures, a solution expected by the Commission to entail no substantial new costs for the Union or its Member States, as the Office’s administrative services are to be handled by Eurojust and its human resources will come from existing entities such as OLAF;

9. Expresses doubts about the cost-efficiency argument put forward in the proposal, as the European Public Prosecutor’s Office needs to set up specialist departments, one for each Member State, which will have to have profound knowledge of the national legal framework in order to carry out effective investigations and prosecutions; calls for an analysis to be carried out in order to assess the costs to the EU budget of setting up the EPPO and any spillover into the Member States’ budgets; calls for such an analysis to be carried out in order to assess the benefits as well;

10. Is worried that the proposal is based on an assumption that the administrative
services provided by Eurojust will have no financial or staff impact on this
decentralised agency; considers, therefore, that the financial statement is misleading;
draws attention, in this connection, to its request that the Commission present an
updated financial statement taking account of potential amendments by the legislator
before the conclusion of the legislative process;

11. Recommends that, in accordance with the provisions laid down in Article 86(1)
TFEU, whereby the Council may establish an EPPO ‘from Eurojust’, the
Commission should envisage a mere transfer of financial resources from OLAF to
the EPPO and that the EPPO should take advantage of the expertise and added value
provided by Eurojust’s staff members;

12. Stresses that no clear indication has been given as to whether the European Public
Prosecutor’s Office, as a newly set-up body, is subject to the staff reductions planned
for all Union institutions and bodies; makes it clear that it would not support such an
approach;

13. Calls on the Council to clarify the competence of each existing body in charge of
protecting the Union’s financial interests; points out that it is of the utmost
importance that the relationship between the EPPO and other existing bodies, such as
Eurojust and OLAF, be further defined and clearly demarcated; stresses that the
EPPO should take advantage of OLAF’s long-term expertise in conducting
investigations, at both national and Union level, in areas pertaining to the protection
of the Union’s financial interests, including corruption; stresses, in particular, that the
Council should clarify the complementarity of OLAF and EPPO action when it
comes to ‘internal’ and ‘external’ investigations; emphasises that the Commission’s
current proposal clarifies neither its relationship with the EPPO nor how internal
investigations within the EU institutions are to be performed;

14. Considers that further analysis of the concurrent functioning of OLAF, Eurojust and
the EPPO should be carried out in order to limit the risk of conflicting competences;
invites the Council to clarify the respective competences of these bodies, to identify
both potential shared competences and inefficiencies, and to suggest remedies where
appropriate;

15. Requires, given that several Member States will probably opt out of the EPPO
proposal, an analysis to clarify which OLAF units and which members of its staff,
are to be transferred to the EPPO, and which are to remain with OLAF; requires that
OLAF retain the necessary resources to carry out any anti-fraud activity that does not
fall within the EPPO’s mandate;

16. Points out that OLAF will remain competent for those Member States which do not
participate in the EPPO, and that they should be afforded an equivalent level of
procedural safeguards;

17. Calls on the Commission, therefore, to include, among the changes to the OLAF
Regulation resulting from the establishment of the EPPO, sufficient procedural
safeguards, including the possibility of a judicial review of investigative measures
taken by OLAF;
18. Considers that the obligations imposed on national authorities to inform the EPPO of any conduct which might constitute an offence within its competence should be aligned with, and not exceed, those in place at Member State level, and should respect the independence of those authorities;

19. Calls for the creation of a special set of rules at Union level to ensure harmonised protection for whistleblowers;

20. Regrets the fact that the European Public Prosecutor's Office does not have competence for serious forms of cross-border crime such as organised crime; encourages the Commission to conduct an impact assessment in this regard;

21. Calls on the Council to improve further the efficiency and effectiveness of the respective courts of justice in the Member States, which are indispensable for the success of the EPPO project;

22. Welcomes the idea of embedding the EPPO in existing decentralised structures through the participation of national delegated prosecutors as ‘special advisers’; is aware of the need to elaborate further on the delegated prosecutors’ independence vis-à-vis the national judiciary, and on transparent procedures for selecting them in order to avoid any suggestion of favouritism on the part of the EPPO; 23. Considers that appropriate training in EU criminal law for European Delegated Prosecutors and their staff should be provided in a uniform and effective way;

24. Reminds the Council and Commission that it is of the utmost importance that the European Parliament, co-legislator in substantive and procedural criminal matters, remains closely involved in the process of establishment of the European Public Prosecutor’s Office and that its position is duly taken into account at all stages of the procedure; to that end, intends to maintain frequent contacts with the Commission and Council with a view to successful collaboration; is fully aware of the complexity of the task and of the need for a reasonable timeframe within which to fulfil it, and undertakes to express its views, where necessary in further interim reports, on future developments regarding the EPPO;

25. Calls on the Council to take the time necessary for a thorough evaluation of the Commission proposal, and not to finalise its negotiations in a rush; stresses that a premature transition to the enhanced cooperation procedure should be avoided;

26. Instructs its President to call for continued scrutiny of the proposal with the Council;

27. Points out to the Council that the political guidelines stated above are supplemented by the technical annex to this Resolution;

28. Instructs its President to forward this resolution to the Council and the Commission.
ANNEX TO THE RESOLUTION

Recital 22

Proposal for a Regulation

(22) Offences against the Union’s financial interests are often closely connected to other offences. In the interest of procedural efficiency and to avoid a possible breach of the principle ne bis in idem, the competence of European Public Prosecutor’s Office should also cover offences which are not technically defined under national law as offences affecting the Union’s financial interests where their constituent facts are identical and inextricably linked with those of the offences affecting the financial interests of the Union. In such mixed cases, where the offence affecting the Union’s financial interests is preponderant, the competence of the European Public Prosecutor’s Office should be exercised after consultation with the competent authorities of the Member State concerned. Preponderance should be established on the basis of criteria such as the offences’ financial impact for the Union, for national budgets, the number of victims or other circumstances related to the offences’ gravity, or the applicable penalties.

Amendment

(22) Offences against the Union’s financial interests are often closely connected to other offences. To avoid a possible breach of the principle ne bis in idem, the competence of European Public Prosecutor’s Office should also cover offences which are not technically defined under national law as offences affecting the Union’s financial interests where their constituent facts are identical and linked with those of the offences affecting the financial interests of the Union. In such mixed cases, where the offence affecting the Union’s financial interests is predominant, the competence of the European Public Prosecutor’s Office should be exercised after consultation with the competent authorities of the Member State concerned. Precedence should be established on the basis of criteria such as the offences’ financial impact for the Union, for national budgets, the number of victims or other circumstances related to the offences’ gravity, or the applicable penalties.
Article 13

Modification 2

Proposal for a Regulation

1. Where the offences referred to in Article 12 are inextricably linked with criminal offences other than those referred to in Article 12 and their joint investigation and prosecution are in the interest of a good administration of justice the European Public Prosecutor’s Office shall also be competent for those other criminal offences, under the conditions that the offences referred to in Article 12 are preponderant and the other criminal offences are based on identical facts.

If those conditions are not met, the Member State that is competent for the other offences shall also be competent for the offences referred to in Article 12.

2. The European Public Prosecutor’s Office and the national prosecution authorities shall consult each other in order to determine which authority has competence pursuant to paragraph 1. Where appropriate to facilitate the determination of such competence Eurojust may be associated in accordance with Article 57.

3. In case of disagreement between the European Public Prosecutor’s Office and the national prosecution authorities over

Amendment

1. Where the offences referred to in Article 12 are linked with criminal offences other than those referred to in Article 12 the European Public Prosecutor’s Office shall also be competent for those other criminal offences provided that the following cumulative conditions are met:

- one particular set of facts simultaneously constitutes both offences affecting the Union’s financial interests and other offence(s); and

- the offence(s) affecting the Union’s financial interest is/are predominant and the other(s) is/are merely ancillary; and

- the further prosecution and punishment of the other offence(s) would no longer be possible if they were not prosecuted and brought to judgment together with the offence(s) affecting the Union’s financial interests.

If those conditions are not met, the Member State that is competent for the other offences shall also be competent for the offences referred to in Article 12.

2. The European Public Prosecutor’s Office and the national prosecution authorities shall consult each other in order to determine which authority has competence pursuant to paragraph 1. Where appropriate to facilitate the determination of such competence Eurojust may be associated in accordance with Article 57.

3. In case of disagreement between the European Public Prosecutor’s Office and the national prosecution authorities over
competence pursuant to paragraph 1, the national judicial authority competent to decide on the attribution of competences concerning prosecution at national level shall decide on ancillary competence.

4. The determination of competence pursuant to this Article shall not be subject to review.

Modification 3

Proposal for a Regulation

(46) The general rules of transparency applicable to Union agencies should also apply to the European Public Prosecutor’s Office but only with regard to its administrative tasks so as not to jeopardise in any manner the requirement of confidentiality in its operational work. In the same manner, administrative inquiries conducted by the European Ombudsman should respect the requirement of confidentiality of the European Public Prosecutor’s Office.

Article 27

Modification 4

Proposal for a Regulation

1. The European Public Prosecutor and the European Delegated Prosecutors shall have the same powers as national public prosecutors in respect of prosecution and bringing a case to judgement, in particular the power to present trial pleas, participate in evidence taking and exercise the available remedies.

2. When the competent European Delegated Prosecutor considers the
investigation to be completed, he/she shall submit a summary of the case with a draft indictment and the list of evidence to the European Public Prosecutor for review. Where he/she does not instruct to dismiss the case pursuant to Article 28, the European Public Prosecutor shall instruct the European Delegated Prosecutor to bring the case before the competent national court with an indictment, or refer it back for further investigations. The European Public Prosecutor may also bring the case to the competent national court himself/herself.

3. The indictment submitted to the competent national court shall list the evidence to be adduced in trial.

4. The European Public Prosecutor shall choose, in close consultation with the European Delegated Prosecutor submitting the case and bearing in mind the proper administration of justice, the jurisdiction of trial and determine the competent national court taking into account the following criteria:

   a) the place where the offence, or in case of several offences, the majority of the offences was committed;
   b) the place where the accused person has his/her habitual residence;
   c) the place where the evidence is located;
   d) the place where the direct victims have their habitual residence.

5. Where necessary for the purposes of recovery, administrative follow-up or monitoring, the European Public Prosecutor shall notify the competent national authorities, the interested persons and the relevant Union institutions, bodies, agencies of the indictment.

a) the place where the offence, or in case of several offences, the majority of the offences was committed;

b) the place where the accused person has his/her habitual residence;

c) the place where the evidence is located;

d) the place where the direct victims have their habitual residence.

5. Where necessary for the purposes of recovery, administrative follow-up or monitoring, the European Public Prosecutor shall notify the competent national authorities, the interested persons and the relevant Union institutions, bodies, agencies of the indictment.
Article 28

Modification 5

Proposal for a Regulation

1. The European Public Prosecutor shall dismiss the case where prosecution has become impossible on account of any of the following grounds:
   a) death of the suspected person;
   b) the conduct subject to investigation does not amount to a criminal offence;
   c) amnesty or immunity granted to the suspect;
   d) expiry of the national statutory limitation to prosecute;
   e) the suspected person has already been finally acquitted or convicted of the same facts within the Union or the case has been dealt with in accordance with Article 29.

2. The European Public Prosecutor may dismiss the case on any of the following grounds:
   a) the offence is a minor offence according to national law implementing Directive 2013/XX/EU on the fight against fraud to the Union’s financial interests by means of criminal law;
   b) lack of relevant evidence.

3. The European Public Prosecutor’s Office may refer cases dismissed by it to OLAF or to the competent national administrative or judicial authorities for recovery, other administrative follow-up or monitoring.

4. Where the investigation was initiated on

Amendment

1. The European Public Prosecutor shall dismiss the case where prosecution has become impossible on account of any of the following grounds:
   a) death of the suspected person;
   b) the conduct subject to investigation does not amount to a criminal offence;
   c) amnesty or immunity granted to the suspect;
   d) expiry of the national statutory limitation to prosecute;
   e) the suspected person has already been finally acquitted or convicted of the same facts within the Union or the case has been dealt with in accordance with Article 29;
   f) following a full, comprehensive and proportionate investigation by the European Public Prosecutor’s Office, there is a lack of relevant evidence.

2. The European Public Prosecutor may dismiss the case if the offence is a minor offence according to national law implementing Directive 2013/XX/EU on the fight against fraud to the Union’s financial interests by means of criminal law;

3. The European Public Prosecutor’s Office may refer cases dismissed by it to OLAF or to the competent national administrative or judicial authorities for recovery, other administrative follow-up or monitoring.

4. Where the investigation was initiated on
the basis of information provided by the injured party, the European Public Prosecutor’s Office shall inform that party thereof.

**Article 29**

Proposal for a Regulation

1. Where the case is not dismissed and it would serve the purpose of proper administration of justice, the European Public Prosecutor’s Office may, after the damage has been compensated, propose to the suspected person to pay a lump-sum fine which, once paid, entails the final dismissal of the case (transaction). If the suspected person agrees, he/she shall pay the lump sum fine to the Union.

2. The European Public Prosecutor’s Office shall supervise the collection of the financial payment involved in the transaction.

3. Where the transaction is accepted and paid by the suspected person, the European Public Prosecutor shall finally dismiss the case and officially notify the competent national law enforcement and judicial authorities and shall inform the relevant Union institutions, bodies, agencies thereof.

4. The dismissal referred to in paragraph 3 shall not be subject to judicial review.

**Article 30**

Proposal for a Regulation

1. Evidence presented by the European Public Prosecutor’s Office shall inform that party thereof.
Public Prosecutor’s Office to the trial court, where the court considers that its admission would not adversely affect the fairness of the procedure or the rights of defence as enshrined in Articles 47 and 48 of the Charter of Fundamental Rights of the European Union, shall be admitted in the trial without any validation or similar legal process even if the national law of the Member State where the court is located provides for different rules on the collection or presentation of such evidence.

2. Once the evidence is admitted, the competence of national courts to assess freely the evidence presented by the European Public Prosecutor’s Office at trial shall not be affected.

**Article 33**

**Modification 8**

**Proposal for a Regulation**

1. The suspect and accused person involved in the proceedings of the European Public Prosecutor’s Office shall have, in accordance with national law, the right to remain silent when questioned, in relation to the facts that he/she is suspected of having committed, and shall be informed that he/she is not obliged to incriminate himself/herself.

2. The suspect and accused person shall be presumed innocent until proven guilty according to national law.

**Amendment**

1. The suspect and accused person involved in the proceedings of the European Public Prosecutor’s Office shall have the right to remain silent when questioned, in relation to the facts that he/she is suspected of having committed, and shall be informed that he/she is not obliged to incriminate himself/herself.

2. The suspect and accused person shall be presumed innocent until proven guilty.

**Article 34**

**Modification 9**

**Proposal for a Regulation**

Any person suspected or accused of an offence within the scope of the competence

**Amendment**

Any person suspected or accused of an offence within the scope of the competence
of the European Public Prosecutor’s Office shall have, in accordance with national law, the right to be given legal assistance free or partially free of charge by national authorities if he/she has insufficient means to pay for it.

of the European Public Prosecutor’s Office shall have the right to be given legal assistance free or partially free of charge by national authorities if he/she has insufficient means to pay for it.

Article 36

Modification 10

Proposal for a Regulation

1. When adopting procedural measures in the performance of its functions, the European Public Prosecutor’s Office shall be considered as a national authority for the purpose of judicial review.

Amendment

For the purposes of judicial review, the European Public Prosecutor’s Office shall be considered to be a national authority in respect of all procedural measures which it adopts in the course of its prosecution function before the competent trial court. For all other acts or omissions of the European Public Prosecutor’s Office, it shall be regarded as a Union body.

2. Where provisions of national law are rendered applicable by this Regulation, such provisions shall not be considered as provisions of Union law for the purpose of Article 267 of the Treaty.

Modification 11

Proposal for a Regulation

The administrative activities of the European Public Prosecutor’s Office shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 of the Treaty.

Amendment

The European Public Prosecutor’s Office shall be subject to the inquiries of the European Ombudsman in relation to instances of maladministration in accordance with Article 228 of the Treaty.
EXPLANATORY STATEMENT

The establishment of a European Public Prosecutor’s Office (EPPO) is a step forward in the process of judicial cooperation between Member States in criminal matters. The European Parliament is required to express its views on a legislative proposal which, at a time of fiscal consolidation, interprets the tangible need of citizens to see that the financial interests of the European Union are being protected. Moreover, the fact that EUR 500 million are being taken away from welfare systems and public services each year merits a response from the EU.

The aim of this text – in line with the provisions of the Lisbon Treaty – is to draw up a number of suggestions and provide specific details of a political nature relating to the text proposed by the Commission, which may be carefully considered by the Council. Your rapporteur hopes that Parliament will be extensively involved in the discussion and in the framing of the proposal under consideration, and that the co-legislator will carefully consider the remarks made and solutions identified.

Your rapporteur is of the opinion, moreover, that coordination with Eurojust, OLAF and Europol will be of a functional nature and will complement prosecutions, with a view to full judicial cooperation in criminal matters, bringing together key national experiences in a single body, with the participation of all Member States, where possible.

In particular, there is a need to review the judicial remedies for: the determination of the competent court; criminal activities which fall within the ancillary competence of the EPPO; investigative measures; the admissibility of evidence, and the closure of investigations.

In addition, as far as procedural safeguards are concerned, reference is made to a series of principles and rights that strengthen protection for suspects, without weakening the detection and punishment of crimes.

Lastly, your rapporteur suggests that the EPPO should have a versatile and streamlined structure and that it should guarantee high standards of independence, experience and professionalism, balancing the requirement for swift decisions with careful investigations and knowledge of the national systems in which the crimes are committed.
18.2.2014

OPINION OF THE COMMITTEE ON BUDGETARY CONTROL(*)

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 – C7 – 2013/0255(APP))

Rapporteur: Ingeborg Gräßle

(*) Associated committee - Rule 50 of the Rules of Procedure

SUGGESTIONS

The Committee on Budgetary Control calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its interim report:

Recommendations

1. Supports the Commission’s approach of focusing the scope and mandate of the European Public Prosecutor’s Office (EPPO) on the protection of the Union’s financial interests against fraud and other illegal activities harmful to the EU budget, as provided for in Article 86 of the Treaty on the Functioning of the European Union (TFEU);

2. Calls on the Council to clarify the competence of each existing body in charge of protecting the Union’s financial interests; points out that it is of the utmost importance that the relationship between the EPPO and other existing bodies, such as Eurojust and OLAF, be further defined and clearly demarcated; stresses that the EPPO should take advantage of OLAF’s long-term expertise in conducting investigations, at both national and Union level, in areas pertaining to the protection of the Union’s financial interests, including corruption; stresses, in particular, that the Council should clarify the complementarity of OLAF and EPPO action when it comes to ‘internal’ and ‘external’ investigations; emphasises that the Commission’s current proposal clarifies neither its relationship with the EPPO nor how internal investigations within the EU institutions are to be performed; demands, in this context, that EU officials be put on an equal footing
with other Union citizens by means of amendments to Article 11(a) of the Protocol on the Privileges and Immunities of the European Union and Article 19 of the Staff Regulations of the Union, thereby allowing immediate action by the EPPO;

3. Considers that further analysis of the concurrent functioning of OLAF, Eurojust and the EPPO should be carried out in order to limit the risk of conflicting competences; invites the Council to clarify the respective competences of these bodies, to identify potential shared competences and inefficiencies, and to suggest remedies where appropriate;

4. Stresses, at the same time, that the complementary and ancillary competences of the competent national authorities and the EPPO should be further highlighted and clarified in order to avoid any inefficient and costly overlapping of action at the two levels; requests that an analysis be carried out to this end; invites the Council to consider the implementation of a right of evocation whereby the Member States’ law enforcement authorities must be informed by the EPPO of its investigations and given the possibility of investigating and prosecuting criminal offences affecting the Union’s financial interests, including cases in which the EPPO has not started an investigation, or has closed such an investigation without follow-up;

5. Considers the procedure for appointing the EPPO, as set out in the Commission proposal, to be undemocratic and opaque; demands that Parliament be given a more central role in the appointment procedure and, in particular, that it be given the right to appoint half the members of the selection panel responsible for drawing up the shortlist of candidates; points out that, in order to ensure his or her independence, the chief prosecutor should be appointed by common accord between Parliament and the Council; suggests that a formal procedure for the dismissal of the EPPO be included in the EPPO regulation; considers, in this regard, the provisions currently set out in Article 8 of the Commission proposal to be insufficient;

6. Welcomes the idea of embedding the EPPO in existing decentralised structures through the participation of national delegated prosecutors as ‘special advisers’; sees the need to elaborate further on the delegated prosecutors’ independence vis-à-vis the national judiciary, and on transparent selection procedures in order to avoid any suggestion of favouritism on the part of the EPPO; calls for an analysis to be carried out to assess the costs to the EU budget of setting up the EPPO, along with any spill-over into the Member States’ budgets; calls for such an analysis to assess the benefits as well;

7. Requires – given that several Member States will probably opt out of the EPPO proposal – an analysis to clarify which OLAF units, and which members of its staff, are to be transferred to the EPPO, and which are to remain with OLAF; requires that OLAF retain the necessary resources to carry out any anti-fraud activity that does not fall within the EPPO’s mandate;

8. Points out that OLAF will remain competent for those Member States which do not participate in the EPPO, and that they should be afforded an equivalent level of procedural safeguards;

9. Calls on the Commission, therefore, to include, among the changes to the OLAF Regulation resulting from the establishment of the EPPO, sufficient procedural
safeguards, including the possibility of a judicial review of investigative measures taken by OLAF;

10. Calls on the Council and the Commission to clarify how the EPPO would function and be financed in the event that the Commission proposal is implemented under the enhanced cooperation procedure, as made possible by Article 20 and Articles 326 to 334 TFEU;

11. Calls on the Council, in the spirit of the deepest respect for the rule of law, to consider the following recommendations:

a. the EPPO should operate in strict observance of the rule of natural justice, whereby it is necessary to make clear, ex ante, the principle of mandatory prosecution; the EPPO should prosecute every alleged offence within its competence, based on transparent and objective criteria that determine which courts will have jurisdiction;

b. the material scope of competence, and in particular the ancillary competence, of the EPPO should be defined as precisely and unambiguously as possible in order to ensure uniform application in each Member State and allow the EPPO to exercise its mandate effectively, and should be inextricably linked to the protection of the Union’s financial interests; to this end, Parliament suggests a careful review of the definition of its ancillary competence set out in Article 13 of the Commission proposal;

c. the investigative tools available to the EPPO should be homogeneous and based on EU legal provisions applicable throughout the entire single area of freedom, security and justice; furthermore, they should be compatible with the law of the Member State in which the alleged crime is being prosecuted;

d. a special set of rules should be created at Union level to strengthen data protection and ensure harmonised protection for whistleblowers;

e. particularly intrusive investigative tools should be subject to judicial authorisation by the competent national courts, in accordance with harmonised and approximated standards and criteria laid down at Union level; decisions which affect individuals’ fundamental liberties in an intrusive way should be subject to appeal through the hierarchy of courts and, ultimately, before the Court of Justice of the European Union;

f. the admissibility of evidence collected by the EPPO in disregard of national law, as provided for in the 32nd recital and Article 30 of the Commission proposal, should be forcefully rejected in order to avoid the parallel application of two different kinds of law in the Member States, protect the procedural rights of the people concerned and enhance the legal certainty of the EPPO’s activities;

g. in order for the EPPO to pursue its investigations successfully, it must have a thorough knowledge of the legal systems of the countries involved; the organisational structure of the EPPO should therefore ensure that it has, at a central level, expertise regarding the legal system of each Member State, including their
respective procedural and fundamental rights; this organisational structure should respect the cost-efficiency principle and have a limited impact on the EU budget;

h. the EPPO’s decisions on forum choices, the dismissal of cases and transactions should also be subject to appeal through the hierarchy of courts and, ultimately, before the Court of Justice of the European Union;

i. the obligations imposed on national authorities to inform the EPPO of any conduct which might constitute an offence within its competence should be aligned with, and not exceed, those in place at Member State level, and respect the independence of those authorities;

j. compliance with the ne bis in idem principle should be ensured;

12. Deplores 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, to be established in accordance with Article 257 TFEU, nor by a proposal for a European procedural law framework; requests that an analysis be carried out in this regard;

13. Requests the establishment of an EU budget line for granting legal aid to indigent individuals prosecuted by the EPPO;

14. Stresses that all of the EPPO’s activities should reconcile the need for legal certainty with the protection of personal data and meet the highest standards regarding the rights of defence, bearing in mind that the roadmap concerning safeguards in criminal proceedings has not yet been completed and that it merely refers to the national legal systems for those rights; requests that the staffing of the EPPO ensure balanced geographical and gender representation at all hierarchical levels;

15. Calls on the Council to work in close cooperation with Parliament during the negotiations on the legislative proposal to set up an EPPO; is confident that, during the negotiations, the principles enshrined in the Commission proposal – which is based on a comprehensive impact assessment, including a comparative analysis of the current legal systems and a Green Paper – will remain the basis for an open and transparent discussion among the Member States and provide constructive inspiration for the setting up of the EPPO;

16. Calls on the Council to take the time necessary for a thorough evaluation of the Commission proposal, and not to finalise its negotiations in a rush; stresses that a premature transition to the enhanced cooperation procedure should be avoided;

17. Calls on the Council to improve further the efficiency and effectiveness of the respective courts of justice in the Member States, which are indispensable for the success of the EPPO project.
**RESULT OF FINAL VOTE IN COMMITTEE**

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| Result of final vote | +: 21  
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| Members present for the final vote | Marta Andreasen, Inés Ayala Sender, Zigmantas Balčytis, Ryszard Czarnecki, Tamás Deutsch, Martin Ehrenhauser, Jens Geier, Gerben-Jan Gerbrandy, Ingeborg Gräßle, Rina Ronja Kari, Bogusław Liberadzki, Jan Mulder, Monika Panayotova, Crescenzio Rivellini, Paul Rübig, Petri Sarvamaa, Theodoros Skylakakis, Georgios Stavrakakis, Michael Theurer |
| Substitute(s) present for the final vote | Philip Bradbourn, Karin Kadenbach, Marian-Jean Marinescu |
| Substitute(s) under Rule 187(2) present for the final vote | Peter Jahr, Iosif Matula, Godelieve Quisthoudt-Rowohl, Marie-Thérèse Sanchez-Schmid |
OPINION OF THE COMMITTEE ON BUDGETS

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 – C7-0000/2013 – 2013/0255(APP))

Rapporteur: Alain Lamassoure

SUGGESTIONS

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

Recitals

A. whereas, according to the Treaties, the EU and its Member States share responsibility for the protection of the Union’s financial interests and the fight against fraud, and whereas close cooperation between the Commission and the Member States is essential in order to achieve these goals;

B. whereas the Member States have primary responsibility for implementing some 80 % of the Union budget, and for the collection of own resources as established in Council Decision 2007/436/EC, Euratom\(^1\), shortly to be replaced by a Council decision on the amended Commission proposal for a Council decision on the system of own resources of the European Union (COM(2011)0739);

C. whereas it is equally important to ensure that the Union’s financial interests are protected at both the level of collection of the EU’s resources and the level of expenditure;

Recommendations

1. Takes note of the idea of basing the European Public Prosecutor’s Office on existing structures, a solution expected by the Commission to entail no substantial new costs for the Union or its Member States, as the Office’s administrative services shall be handled by Eurojust and its human resources shall come from existing entities such as OLAF;

2. Expresses doubts about the cost-efficiency argument put forward in the proposal, as the European Public Prosecutor’s Office needs to set up specialist departments, one for each Member State, which have to have profound knowledge of the national legal framework

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\(^1\) OJ L 163, 23.6.2007, p. 17.
in order to carry out effective investigations and prosecutions;

3. Regrets the fact that the proposal does not contain an overview of the human resources needed for OLAF to perform its remaining important anti-fraud work in those areas which will not fall under the competence of the European Public Prosecutor;

4. Is further concerned that some Member States will not support or take part in this European approach; warns that any opt-out by Member States will result in the creation of double structures and will subsequently require additional resources;

5. Is worried that the proposal is based on an assumption that the administrative services provided by Eurojust will have no financial or staff impact on this decentralised agency; considers, therefore, that the financial statement is misleading; emphasises, in this connection, its request that the Commission present an updated financial statement taking into account potential amendments by the legislator before the conclusion of the legislative process;

6. Has been given no clear indication as to whether the European Public Prosecutor’s Office, as a newly set up body, is subject to the staff reductions planned for all Union institutions and bodies; would not support such an approach;

7. Considers it essential that the best possible synergies among the European Public Prosecutor’s Office, OLAF, Eurojust and the relevant authorities in the Member States be established, and stresses the need for permanent close cooperation among these bodies;

8. Underlines the importance of checks on the legality of all measures and actions implemented by the European Public Prosecutor’s Office; is convinced that only the European Court of Justice can perform those legality checks; is, at the same time, fully aware of more than 2 000 cases pending before the Court, which will require efficiency gains if it is to cope with new as well as pending assignments;

9. Notes with concern the proposed structure of the European Public Prosecutor’s Office, which may give rise to overlapping and competing structures, the multiplication and diffusion of tasks, and problems with specific accountability, which could potentially undermine its legal credibility;

10. Suggests, therefore, in light of the aforementioned legal concerns, that the lead committee consider delaying its reading of the proposal until after the European elections with a view to more closely involving the other committees concerned and ensuring that the proposal adequately reflects not only the principle of subsidiarity but also the legal suitability of the proposed legal framework;

11. Emphasises that any decision by the legislative authority on the proposed regulation must be taken without prejudice to the decisions of the budgetary authority in the context of the annual budgetary procedure.
RESULT OF FINAL VOTE IN COMMITTEE

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| Members present for the final vote | Richard Ashworth, Zuzana Brzobohatá, Jean-Luc Dehaene, Isabelle Durant, José Manuel Fernandes, Věra Flasarová, Eider Gardiazábal Rubial, Salvador Garriga Polledo, Ivars Godmanis, Lucas Hartong, Monika Hohlmeier, Sidonia Elżbieta Jędrzejewska, Ivailo Kalfin, Jan Kozłowski, Alain Lamassoure, George Lyon, Jan Mulder, Juan Andrés Naranjo Escobar, Andrej Plenković, Dominique Riquet, László Surján, Helga Trüpel, Oleg Valjalo, Derek Vaughan, Angelika Werthmann |
| Substitute(s) present for the final vote | Maria Da Graça Carvalho, Peter Šťastný, Georgios Stavrakakis |
OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

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 – C7 – 2013/0255(APP))

Rapporteur: Evelyn Regner

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 in its report:

Recitals

A. Whereas the principle of mutual recognition should become the cornerstone of judicial cooperation in criminal matters and be seen as the motor of European criminal law integration,

Recommendations

1. Calls on the Council, when examining the Commission proposal, to take into account the following recommendations:

   (i) the criteria governing the ancillary competence of the EPPO under Article 13 of the proposal should be clearly defined beforehand. In particular,
a) the offences referred to in Article 13 should only be those provided for in legislative acts of the Union;  
b) such offences should be considered as ‘inextricably linked’ with the offences referred to in Article 12 whenever they are instrumental in committing them or perpetrated in order to ensure their impunity;  
c) the condition that the offences referred to in Article 12 are preponderant should also include a qualitative - and not only a quantitative - assessment;  
d) the condition that the offences referred to in Article 13 are based on identical facts should be deleted, so that the ancillary competence would cover both cases where the same offender commits several separate criminal acts and cases where one and the same act is an offence against several different provisions;  

(ii) relations of the EPPO with Eurojust, Europol and OLAF should be regulated to the greatest extent possible in the regulation establishing the EPPO. The agreements referred to in Articles 57 and 58 of the proposal should, therefore, only relate to merely practical arrangements;  

(iii) on no account must the EPPO exercise its competence with regard to offences committed before it becomes fully operative. Article 71 of the proposal should be amended accordingly;  

(iv) to make for greater certainty as to the law, the competent court should be determined beforehand, in keeping with the principle of the ‘natural adjudicator’. Article 27 of the proposal should be amended accordingly;  

(vi) the means of investigation should be uniform, in order to avert forum shopping, and they should be compatible with the legal systems of the Member States;  

2. welcomes the fact that, under the regime applicable to non-contractual liability of the EPPO, the Court of Justice shall have jurisdiction in disputes over compensation for damage in similar terms to those set out in Article 268 TFEU; however, draws the attention to the fact that two different courts - at EU and national level respectively - would hear actions for non-contractual liability of the EPPO and actions for annulment of its procedural measures, including those from which a right to compensation for damage may arise;  

3. calls on the Commission to develop a coherent legislative framework for the EPPO and Eurojust that reflects the different functions of the two bodies as enshrined in Articles 85 and 86 TFEU respectively;  

4. recommends that, in accordance with the provisions laid down in Article 86(1) TFEU, whereby the Council may establish an EPPO ‘from Eurojust’, the Commission envisage a mere transfer of financial resources from OLAF to the EPPO and that EPPO take advantage of the expertise and the added value of Eurojust’s staff members;  

5. urges the Commission, in case of Member States opting out or enhanced cooperation being established in accordance with Article 86(1) TFEU, to make appropriate proposals.
in order to regulate judicial cooperation between participating and non-participating Member States, with special regard to cases where cross-border offences are committed, or offenders are based, in non-participating Member States;

6. deplores that, based on the current experiences of mutual recognition, it is hard to expect that Member States will be willing to recognise and admit evidence which was gathered in other Member States on the basis of substantially different standards; points out that the divergence between the national laws of the Member States is particularly striking in relation to special investigation techniques, as it is often the case that, whereas a certain technique is strictly regulated in some Member States, it is not regulated at all in others;

7. takes the view that the EPPO could join the College of Eurojust as an extra member whenever matters related to the protection of financial interest of the Union are discussed;

8. considers that the area of applicability of national procedural law should be carefully examined and, possibly, restricted, for variable geometry as to the powers of the EPPO would undermine its efficiency and encourage forum shopping, as well as affecting the rights of the suspect or accused person;

9. considers that appropriate training in EU criminal law for European Delegated Prosecutors and their staff should be provided in a uniform, effective way;

10. welcomes the training courses for lawyers jointly organised by the European Criminal Bar Association (ECBA) and the Academy of European Law (ERA) and encourages tailored courses in order to enhance the quality of defence in criminal proceedings brought by the EPPO.
## RESULT OF FINAL VOTE IN COMMITTEE

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<td><strong>Substitute(s) present for the final vote</strong></td>
<td>Eva Lichtenberger, Angelika Niebler, József Szájer, Axel Voss</td>
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<td><strong>Substitute(s) under Rule 187(2) present for the final vote</strong></td>
<td>Sylvie Guillaume, Jan Mulder, Jaroslav Paška</td>
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RESULT OF FINAL VOTE IN COMMITTEE

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<td>Substitute(s) under Rule 187(2) present for the final vote</td>
<td>Zdravka Bušić, Ingeborg Gräßle, Constanze Angela Krehl</td>
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