

WRITTEN QUESTION E-2927/08
by Nicolae Vlad Popa (PPE-DE)
to the Commission

Subject: Criminal law competencies of the EU institutions

As crime pays no regard to the territorial boundaries of states, and criminal law has an essential role in protecting the physical and economic well-being of society and the individual, the European Union should have an important role to play in cases where the offences involved are of major gravity and the existing sanctions are of different levels, permitting offenders to exploit loopholes, which would detrimentally affect the efficiency of Community law.

The viewpoint of the Commission on the present general situation regarding the criminal law competencies of the EU institutions – determined by the pillar structure imposed by the Treaty establishing the European Community (TEC) and the Treaty on European Union (TEU) – is presented by the Commission in Communication COM(2005)0583 on the implications of the judgment of the Court of Justice of the European Communities of 13 September 2005 (Case C-176/03, Commission v. Council).

Taking into consideration the new provisions introduced by the Treaty of Lisbon, signed on 13 December 2007, regarding judicial cooperation in criminal matters and police cooperation (especially Article 83 (ex Article 31 TEU) to Article 86):

- How does the Commission's standpoint on criminal law competencies of the EU institutions change?
- Which are the conditions judged by the Commission as necessary in order to justify the elaboration of EU legal norms concerning substantial and procedural criminal law?
- Which are the measures (including support actions) envisaged by the Commission regarding the establishment of a European Public Prosecutor's Office?