



**2018/2112(INI)**

11.1.2019

# **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 when unanimity is required; whereas pursuant to Article 20(4) of the Treaty on European Union acts adopted in the framework of enhanced cooperation should bind only participating Member States; whereas enhanced cooperation is limited to areas in which the EU does not have exclusive competences;
- 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. Recalls that Parliament adopted three resolutions on 29 April 2015<sup>1</sup>, 5 October 2016<sup>2</sup> and 5 October 2017<sup>3</sup> on the establishment of the European Public Prosecutor's Office; acknowledges that a number of Parliament's concerns, as expressed in these resolutions, were addressed to some extent in the final negotiated text adopted by the Council; calls on the Council to engage with Parliament in a possible future enhanced cooperation procedure prior to the request for Parliament's consent on the final text, to ensure maximum cooperation between the Union's co-legislators;
  3. Regrets, however, that despite Parliament's constructive and measured approach to the enhanced cooperation procedure, the Council has shown little interest in engaging

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<sup>1</sup> OJ C 346, 21.9.2016, p. 27.

<sup>2</sup> OJ C 215, 19.6.2018, p. 18.

<sup>3</sup> OJ C 346, 27.9.2018, p. 246.

formally with Parliament prior to the request for Parliament's consent on the final negotiated text;

4. Welcomes the fact that 22 Member States are already participating in enhanced cooperation on the EPPO, and recalls 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;
5. 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;
6. 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;
7. 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;
8. Calls on the Commission to keep Parliament regularly and fully 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;
9. 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 need to protect fundamental rights, including the right to respect for private and family life and the prohibition of discrimination.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	10.1.2019
<b>Result of final vote</b>	+:               36 -:               6 0:               3
<b>Members present for the final vote</b>	Asim Ademov, Martina Anderson, Heinz K. Becker, Monika Beňová, Michał Boni, Caterina Chinnici, Rachida Dati, Frank Engel, Laura Ferrara, Romeo Franz, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Monika Hohlmeier, Sophia in 't Veld, Cécile Kashetu Kyenge, Monica Macovei, Roberta Metsola, Claude Moraes, Ivari Padar, Judith Sargentini, Birgit Sippel, Csaba Sógor, Helga Stevens, Traian Ungureanu, Bodil Valero, Marie-Christine Vergiat, Udo Voigt, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský, Auke Zijlstra
<b>Substitutes present for the final vote</b>	Dennis de Jong, Anna Hedh, Lívia Járóka, Marek Jurek, Jean Lambert, Jeroen Lenaers, Andrejs Mamikins, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Christine Revault d'Allonnes Bonnefoy
<b>Substitutes under Rule 200(2) present for the final vote</b>	Fernando Ruas, Adam Szejnfeld

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

<b>36</b>	<b>+</b>
ALDE	Nathalie Griesbeck, Sophia in 't Veld, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Cecilia Wikström
EFDD	Laura Ferrara
PPE	Asim Ademov, Heinz K. Becker, Michał Boni, Rachida Dati, Frank Engel, Monika Hohlmeier, Livia Járóka, Jeroen Lenaers, Roberta Metsola, Fernando Ruas, Csaba Sógor, Adam Szejnfeld, Traian Ungureanu, Tomáš Zdechovský
S&D	Monika Beňová, Caterina Chinnici, Ana Gomes, Sylvie Guillaume, Anna Hedh, Cécile Kshetu Kyenge, Andrejs Mamikins, Claude Moraes, Ivari Padar, Christine Revault d'Allonnes Bonnefoy, Birgit Sippel, Josef Weidenholzer
VERTS/ALE	Romeo Franz, Jean Lambert, Judith Sargentini, Bodil Valero

<b>6</b>	<b>-</b>
ECR	Marek Jurek, Monica Macovei, Helga Stevens, Kristina Winberg
ENF	Auke Zijlstra
NI	Udo Voigt

<b>3</b>	<b>0</b>
GUE/NGL	Martina Anderson, Dennis de Jong, Marie-Christine Vergiat

Key to symbols:

+ : in favour

- : against

0 : abstention