



2023/2139(DEC)

23.1.2024

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Budgetary Control

on discharge in respect of the implementation of the general budget of the European Union for the financial year 2022, Section III – European Public Prosecutor's Office
(2023/2139(DEC))

Rapporteur for opinion: Tomáš Zdechovský

PA_NonLeg

SUGGESTIONS

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

1. Notes that the Court of Auditors (the ‘Court’) declared the transactions underlying the annual accounts of the European Public Prosecutor Office (EPPO) for the financial year 2022 to be legal and regular in all material respects and that its financial position at 31 December 2022 is fairly presented;
2. Welcomes that most of the observations from the Court from last year are closed, and that EPPO managed to decrease the proportion of late payments from 21 % in 2021 to 5 % in 2022;
3. Notes the significant growth of the EPPO’s workload; acknowledges with satisfaction that the EPPO received 3 318 reports and 58% out of them were sent by private parties which also shows that EPPO is widely know judicial body; appreciates that EPPO opened 865 investigations including into the acquisition of COVID-19 vaccines; in 2022 with the damage estimated at EUR 9.9 billion; notes that the EPPO’s caseload was significantly underestimated;
4. Welcomes that EPPO was granted additional human resources with highly specialised and qualified profiles, including, for the first time in 2022, with Seconded National Experts (SNE); notes that 34 selection procedures for statutory staff were launched and completed, as well as three selection procedures for SNEs; welcomes the total number of statutory staff members and SNEs reaching 221, which translates to an occupancy rate of 89% of the Establishment Plan;
5. Is concerned about the high-risk environment in physical an information security in which EPPO operates and about the current level of recourses; stresses the importance to adapt human and financial resources to the growing workload and to reflect them accordingly in the future budget planning, including through increasing EPPO's budget, if necessary;
6. Recalls that EPPO is an independent body of the EU, established through the concept of enhanced cooperation in criminal matters responsible for investigating, prosecuting and bringing to judgment crimes against the financial interests of the Union; notes that only 22 EU Member States participate in EPPO whereas Hungary, Poland and Sweden did not join; calls on the Commission to engage in an active dialogue with non-participating Member States to effectively facilitate the execution of the EPPO’s activities;
7. Highlights the effective cooperation with relevant stakeholders; welcomes the conclusion of several working arrangements with authorities from third countries notably the Ukraine, Albania, Moldova, Montenegro, Georgia and North Macedonia; recalls the importance of cooperation with non-participating states authorities; acknowledges differences in legal regimes and difficulties arising in negotiations of working arrangement, which in Ireland led to refusal several years in a row to execute EPPO’s requests for judicial cooperation, as pointed out in a letter sent by the European

Chief Prosecutor to the Commission; welcomes the commitment by the Irish authorities and calls on Ireland to review their working arrangement with the EPPO;

8. Is concerned that the work of the EPPO, in particular the evidence gathering, has been affected by a lack of cooperation from Poland in 2021-2022 which had a direct negative impact on the EPPO's capacity to protect the EU budget by means of criminal investigations and prosecutions; welcomes finalisation of the negotiations on a working arrangement at the technical level, the amendments to the Polish Code of Criminal Procedure and that EPPO was recognised by Poland as a competent authority for the relevant EU instruments on judicial cooperation in criminal matters, including the EIO Directive; further appreciates the recent decision by a new government to launch the process to join EPPO; calls on both parties to engage in further dialogue and cooperation to facilitate the execution of EPPO activities;
9. Notes that the appointment of European delegated prosecutors is a shared responsibility of EPPO and member states; stresses that the appointment procedure must always be in compliance with Article 17 of the Council Regulation (EU) 2017/1939 and principle of national procedural autonomy; encourages Member States to contribute to the full independence of EPPO in their exercise of the appointment procedure; notes that 114 European Delegated Prosecutors were in employment at the end of 2022; welcomes that during the reporting period, 15 European Delegated Prosecutors were appointed and none were dismissed by the EPPO College;
10. Recalls the utmost importance to ensure the full independence of the European Delegated Prosecutors, who are exposed to external pressure, as they directly carry out the proceedings in their respective Member States; notes that the external independence of the EPPO is also linked to the allocation of financial resources that are sufficient to fulfil its mandate and to the necessary budgetary autonomy to manage them; stresses that adequate financing of the EPPO lies with both the EU and with each participating Member State;
11. Welcomes the continuous cooperation with authorities of participating and non-participating Member States and third countries, European Union institutions, bodies, offices and agencies notably Eurojust, Europol and OLAF, welcomes that EPPO engaged in negotiations for working arrangements with the European Parliament and the Executive Agencies, as well as with the European External Action Service;

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	23.1.2024
Result of final vote	+: 43 -: 10 0: 0
Members present for the final vote	Abir Al-Sahlani, Katarina Barley, Pietro Bartolo, Theresa Bielowski, Patrick Breyer, Saskia Bricmont, Jorge Buxadé Villalba, Damien Carême, Patricia Chagnon, Lucia Ďuriš Nicholsonová, Cornelia Ernst, Nicolaus Fest, Maria Grapini, Sylvie Guillaume, Andrzej Halicki, Evin Incir, Sophia in 't Veld, Patryk Jaki, Marina Kaljurand, Assita Kanko, Łukasz Kohut, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Erik Marquardt, Javier Moreno Sánchez, Maite Pagazaurtundúa, Diana Riba i Giner, Isabel Santos, Birgit Sippel, Vincenzo Sofo, Tineke Strik, Jana Toom, Milan Uhrík, Tom Vandendriessche, Elissavet Vozemberg-Vrionidi, Elena Yoncheva, Javier Zarzalejos
Substitutes present for the final vote	José Gusmão, Beata Kempa, Janina Ochojska, Anne-Sophie Pelletier, Bergur Løkke Rasmussen, Róza Thun und Hohenstein, Maria Walsh, Tomáš Zdechovský
Substitutes under Rule 209(7) present for the final vote	Andrus Ansip, Hildegard Bentele, Maria da Graça Carvalho, Leopoldo López Gil, Marisa Matias, Caroline Nagtegaal

**ANNEX: ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The rapporteur declares under his exclusive responsibility that he did not receive input from any entity or person to be mentioned in this Annex pursuant to Article 8 of Annex I to the Rules of Procedure. **FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION**

43	+
PPE	Hildegard Bentele, Maria da Graça Carvalho, Andrzej Halicki, Jeroen Lenaers, Leopoldo López Gil, Janina Ochojska, Elissavet Vozemberg-Vrionidi, Javier Zarzalejos, Tomáš Zdechovský
Renew	Abir Al-Sahlani, Andrus Ansip, Lucia Ďuriš Nicholsonová, Sophia in 't Veld, Moritz Körner, Caroline Nagtegaal, Maite Pagazaurtundúa, Bergur Løkke Rasmussen, Róza Thun und Hohenstein, Jana Toom
S&D	Katarina Barley, Pietro Bartolo, Theresa Bielowski, Maria Grapini, Sylvie Guillaume, Evin Incir, Marina Kaljurand, Lukasz Kohut, Juan Fernando López Aguilar, Javier Moreno Sánchez, Isabel Santos, Birgit Sippel, Elena Yoncheva
The Left	Cornelia Ernst, José Gusmão, Marisa Matias, Anne-Sophie Pelletier
Verts/ALE	Patrick Breyer, Saskia Bricmont, Damien Carême, Alice Kuhnke, Erik Marquardt, Diana Riba i Giner, Tineke Strik

10	-
ECR	Jorge Buxadé Villalba, Patryk Jaki, Assita Kanko, Beata Kempa, Vincenzo Sofo
ID	Patricia Chagnon, Nicolaus Fest, Tom Vandendriessche
NI	Milan Uhrík
PPE	Maria Walsh

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Key to symbols:

+:in favour

-:against

0:abstention