



EUROPEAN PARLIAMENT

2014 - 2019

Committee on Civil Liberties, Justice and Home Affairs

2013/0255(APP)

28.1.2015

AMENDMENTS

1 - 87

Draft report
Monica Macovei
(PE546.675v01-00)

on the proposal for a Council regulation on the establishment of the European
Public Prosecutor's Office
(COM(2013)0534 – C8-000 – 2013/0255(APP))

AM\1047784EN.doc

PE546.850v01-00

EN

United in diversity

EN

AM_Com_NonLegReport

Amendment 1
Dennis de Jong
on behalf of the GUE/NGL Group

Motion for a resolution
Paragraph B a (new)

Motion for a resolution

Amendment

B a. Whereas it is regrettable that until now the Commission has not been able to provide the Parliament with information on the reasons behind the low rate of indictment, and, in particular on the question of how much is due to lack of quality of the information provided by OLAF to Member States, as basis for its judicial recommendations;

Or. en

Amendment 2
Ivan Jakovčić

Motion for a resolution
Paragraph C

Motion for a resolution

Amendment

C. Whereas some Member States might be less effective in the prosecution of fraud affecting the EU financial interests, thus harming the taxpayers of all EU Member States who contribute to the Union budget;

C. Whereas some Member States might be less effective in the ***detection and*** prosecution of fraud affecting the EU financial interests, thus harming the taxpayers of all EU Member States who contribute to the Union budget;

Or. en

Amendment 3
Eleftherios Synadinos

Motion for a resolution
Paragraph E

Motion for a resolution

E. Whereas different jurisdictions, legal traditions and law enforcement *systems* in the Member States should not hinder or undermine the fight against fraud and crime affecting the Union's financial interests;

Amendment

E. Whereas different jurisdictions, legal traditions, *law enforcement systems* and law enforcement *capabilities* in the Member States should not hinder or undermine the fight against fraud and crime affecting the Union's financial interests;

Or. en

Amendment 4
Anna Hedh

Motion for a resolution
Paragraph E

Motion for a resolution

E. Whereas *different jurisdictions, legal traditions and law enforcement systems in the Member States should not hinder or undermine the fight against fraud and crime affecting the Union's financial interests;*

Amendment

E. whereas *Article 67(1) TFEU provides that the Union shall constitute an area of freedom, security and justice with respect for fundamental rights and the different legal systems and traditions of the Member States;*

Or. en

Amendment 5
Ivan Jakovčić

Motion for a resolution
Paragraph E

Motion for a resolution

E. Whereas different jurisdictions, legal traditions *and* law enforcement systems in the Member States should not hinder or undermine the fight against fraud and

Amendment

E. Whereas different jurisdictions, legal traditions, law enforcement *and judicial* systems in the Member States should not hinder or undermine the fight against fraud

crime affecting the Union's financial interests;

and crime affecting the Union's financial interests;

Or. en

Amendment 6
Kati Piri

Motion for a resolution
Paragraph F

Motion for a resolution

Amendment

F. Whereas terrorism is financed also by organised crime, and criminal groups collect funds through fraud;

deleted

Or. en

Amendment 7
Vicky Maeijer, Harald Vilimsky

Motion for a resolution
Paragraph F

Motion for a resolution

Amendment

F. Whereas terrorism is financed also by organised crime, and criminal groups collect funds through fraud;

deleted

Or. en

(Prosecution of crimes in general is the sole competence of the individual EU member countries. This recital takes into account the future expansion of the competences of an EPPO which is undesirable. Therefore this recital is redundant.)

Amendment 8
Laura Ferrara, Ignazio Corrao

Motion for a resolution
Paragraph F

Motion for a resolution

F. Whereas terrorism **is financed also by** organised crime, **and** criminal **groups** collect funds through fraud;

Amendment

F. Whereas terrorism **and any kind of** organised crime, **including mafia style** criminal **organisations are financed and** collect funds **also** through fraud **fuelling corruption and mismanagement of public funds**;

Or. en

Amendment 9

Laura Ferrara, Ignazio Corrao

**Motion for a resolution
Paragraph F b (new)**

Motion for a resolution

Amendment

F b. Whereas Article 86 of the Treaty on the Functioning of the European Union allows for extending the powers of the European Public Prosecutor's Office to include serious crime having a cross-border dimension.

Or. en

Amendment 10

Ivan Jakovčić

**Motion for a resolution
Paragraph 1**

Motion for a resolution

Amendment

1. Reaffirms its strong willingness to **address** the priorities for the establishment of the EPPO and to identify the principles and the conditions under which it might give its consent;

1. Reaffirms its strong willingness to **support** the priorities for the establishment of the EPPO and to identify the principles and the conditions under which it might give its consent;

Or. en

Amendment 11
Kati Piri

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Calls on the Council to keep it fully informed and constantly consulted; urges the Council to take its views *also* into due account, as a necessary precondition to ensure the broadest consensus on the legislative outcome;

Amendment

3. Calls on the Council to keep it fully informed and constantly consulted; urges the Council to take its views into due account, as a necessary precondition to ensure the broadest *democratic legitimacy of, and* consensus on the legislative outcome;

Or. en

Amendment 12
Louis Michel

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Calls on the Council to keep it fully informed and constantly consulted; urges the Council to take its views *also* into due account, as a *necessary* precondition to *ensure the broadest consensus on* the legislative outcome;

Amendment

3. Calls on the Council to keep it fully informed and constantly consulted; urges the Council to take its views into due account, as a precondition to *the adoption of* the legislative outcome;

Or. en

Amendment 13
Laura Ferrara, Ignazio Corrao

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Calls on the Council to **keep** it fully informed and constantly consulted; urges the Council to take its views also into due account, as a necessary precondition to ensure the broadest consensus on the legislative outcome;

Amendment

3. Calls on the Council to **ensure the highest level of transparency, keeping** it fully informed and constantly consulted; urges the Council to take its views also into due account, as a necessary precondition to ensure the broadest consensus on the legislative outcome;

Or. en

Amendment 14

Sylvia-Yvonne Kaufmann, Juan Fernando López Aguilar, Caterina Chinnici, Emilian Pavel

**Motion for a resolution
Paragraph 3 a (new)**

Motion for a resolution

Amendment

3 a. Recalls that the European Public Prosecutor's Office should have competence for offences related to fraud against the financial interests of the European Union. With that in mind, recalls that the relevant criminal offences are to be laid down in the proposed Directive on the fight against fraud to the Union's financial interests by means of criminal law (the so-called 'PIF Directive'). While acknowledging the progress made by the co-legislators in negotiations for the adoption of the PIF Directive, calls on the Council to renew its efforts to find agreement on that directive as a pre-condition for the establishment of the European Public Prosecutor's Office;

Or. en

**Amendment 15
Axel Voss**

Motion for a resolution
Paragraph 3 a (new)

Motion for a resolution

Amendment

3 a. Reaffirms its strong willingness to establish an EPPO and to reform Eurojust as foreseen by the European Commission in its proposal for a regulation on Eurojust; however is convinced that the Eurojust reform should be put on hold until the Council has adopted a general approach on EPPO; sticks to the package approach, because of the close interaction of EPPO and Eurojust;

Or. en

Amendment 16
Axel Voss

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

Amendment

4 a. Considers that the scope of the EPPO competence should be unambiguously defined in order to avoid legal uncertainty as regards the criminal offences which falls within its remit; in this regard calls on the Council to clarify the competence of Eurojust, Europol and OLAF so that all bodies in charge of the protection of the EU's financial interests have their respective roles clearly defines and differentiated;

Or. en

Amendment 17
Vicky Maeijer, Lorenzo Fontana, Harald Vilimsky

Motion for a resolution
Paragraph 5

Motion for a resolution

5. **Deems it crucial to ensure within a short period of time** the establishment of a **single, strong, independent** EPPO that is able to investigate, prosecute and bring to court the perpetrators of criminal offences affecting the Union's financial interests; **and considers that any weaker solution would be a cost for the Union budget;**

Amendment

5. **Condemns in the strongest words** the establishment of a EPPO that **will be** able to investigate, prosecute and bring to court the perpetrators of criminal offences affecting the Union's financial interests; **Considering that justice is solely a competence of the individual EU countries; therefore calls upon the Council to immediately cease the negotiations on the establishment of a possible EPPO.**

Or. en

Amendment 18
Axel Voss

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Deems it crucial to ensure **within a short period of time** the establishment of a **single, strong,** independent EPPO that is able to investigate, prosecute and bring to **court** the perpetrators of criminal offences affecting the Union's financial interests; **and considers that any weaker solution would be a cost for the Union budget;**

Amendment

5. Deems it crucial to ensure the establishment of **an** independent EPPO that is able to investigate, prosecute and bring to **judgement** the perpetrators of criminal offences affecting the Union's financial interests;

Or. en

Amendment 19
Ivan Jakovčić

Motion for a resolution
Paragraph 5

PE546.850v01-00

10/44

AM\1047784EN.doc

Motion for a resolution

5. Deems it crucial to ensure within a short period of time the establishment of a single, strong, independent EPPO that is able to investigate, prosecute and bring to court the perpetrators of criminal offences affecting the Union's financial interests; and considers that any weaker solution would be a cost for the Union budget;

Amendment

5. Deems it crucial to ensure within a short period of time the establishment of a **competent**, single, strong, independent EPPO that is able to investigate, prosecute and bring to court the perpetrators of criminal offences affecting the Union's financial interests; and considers that any weaker solution would be a cost for the Union budget;

Or. en

Amendment 20
Anna Hedh

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Deems it crucial to ensure ***within a short period of time*** the establishment of a single, ***strong***, independent EPPO that is able to investigate, prosecute and bring to court the perpetrators of criminal offences affecting the Union's financial interests; ***and considers that any weaker solution would be a cost for the Union budget;***

Amendment

5. Deems it crucial to ensure the establishment of a single ***and*** independent EPPO that is able to investigate, prosecute and bring to court the perpetrators of criminal offences affecting the Union's financial interests;

Or. en

Amendment 21
Sylvia-Yvonne Kaufmann, Juan Fernando López Aguilar, Emilian Pavel

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Deems it crucial to ensure ***within a short period of time*** the establishment of a

Amendment

5. Deems it crucial to ensure the establishment of a single, strong,

single, strong, independent EPPO that is able to investigate, prosecute and bring to court the perpetrators of criminal offences affecting the Union's financial interests; and considers that any weaker solution would be a cost for the Union budget;

independent EPPO that is able to investigate, prosecute and bring to court the perpetrators of criminal offences affecting the Union's financial interests; and considers that any weaker solution would be a cost for the Union budget;

Or. en

Amendment 22

Laura Ferrara, Ignazio Corrao

Motion for a resolution Paragraph 5

Motion for a resolution

5. Deems it crucial to ensure within a short period of time the establishment of a single, strong, independent EPPO that is able to investigate, prosecute and bring to court the perpetrators of criminal offences affecting the Union's financial interests; and considers that any weaker solution would be a cost for the Union budget;

Amendment

5. Deems it crucial to ensure within a short period of time the establishment of a single, strong, independent EPPO that is able to investigate, prosecute and bring to court the perpetrators of criminal offences affecting the Union's financial interests ***also in view of extending its powers to include serious crime having a cross-border dimension while fulfilling Treaties' obligation***; and considers that any weaker solution would be a cost for the Union budget;

Or. en

Amendment 23

Nathalie Griesbeck, Louis Michel, Gérard Deprez

Motion for a resolution Paragraph 5 a (new)

Motion for a resolution

Amendment

5 a. Regrets that the European Public Prosecutor's Office does not have competence for serious forms of cross-border crime; and asks the European

Commission to propose, once the European Public Prosecutor's Office is established and within the shortest period of time, an enlargement of its mandate in order to cover certain categories of serious cross-border crimes, such as organised crime and terrorism. The European Parliament must be fully involved during the whole procedure of this review.

Or. en

Amendment 24
Dennis de Jong
on behalf of the GUE/NGL Group

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution

Amendment

5 a. Deems it equally important that the position of EPPO in relation to OLAF and Eurojust is further clarified, especially if EPPO will not become operational in all Member States;

Or. en

Amendment 25
Sylvia-Yvonne Kaufmann, Juan Fernando López Aguilar, Caterina Chinnici, Emilian Pavel

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution

Amendment

5 a. Points out that it is of the utmost importance that the relationship between the European Public Prosecutor's Office and other existing bodies, such as Eurojust and OLAF, should be defined

and clearly demarcated. Calls on the Council to clarify the competence of each existing body in charge of protecting the Union's financial interests;

Or. en

Amendment 26

Sylvia-Yvonne Kaufmann, Juan Fernando López Aguilar, Caterina Chinnici

Motion for a resolution

Subheading 1

Motion for a resolution

An independent European *Prosecutor*

Amendment

An independent European Public Prosecutor's Office

Or. en

Amendment 27

Louis Michel

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Emphasises that the structure of the EPPO should *reflect a maximum degree of* independence and therefore calls for openness and transparency in the selection and appointment procedures of the European Prosecutors;

Amendment

6. Emphasises that the structure of the EPPO should *assure* independence and therefore calls for openness and transparency in the selection and appointment procedures of *the European Chief Prosecutor, the Deputy European Chief Prosecutors and* the European Prosecutors;

Or. en

Amendment 28

Ivan Jakovčić

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Emphasises that the structure of the EPPO should reflect a maximum degree of independence and therefore calls for openness and transparency in the selection and appointment procedures of the European Prosecutors;

Amendment

6. Emphasises that the structure of the EPPO should reflect a maximum degree of independence and therefore calls for openness, ***objectiveness*** and transparency in the selection and appointment procedures of the European Prosecutors;

Or. en

Amendment 29
Sylvia-Yvonne Kaufmann, Juan Fernando López Aguilar, Caterina Chinnici

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Emphasises that the structure of the EPPO should reflect a maximum degree of independence and therefore calls for openness and transparency in the selection and appointment procedures of the European Prosecutors;

Amendment

6. Emphasises that the structure of the EPPO should reflect a maximum degree of independence and therefore calls for openness and transparency in the selection and appointment procedures of the European ***Chief Prosecutor, his/her deputies, the European Prosecutors and the European Delegated*** Prosecutors;

Or. en

Amendment 30
Emil Radev

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Emphasises that the structure of the EPPO should ***reflect a maximum degree of independence and*** therefore calls for

Amendment

6. Emphasises that the structure of the EPPO should ***be fully independent from national governments and EU***

openness and transparency in the selection and appointment procedures of the European Prosecutors;

institutions and protected from political influence and pressure; therefore calls for openness and transparency in the selection and appointment procedures of the European Prosecutors

Or. en

Amendment 31

Louis Michel

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Stresses the importance of its involvement in the appointment procedures and suggests an open competition for candidates with adequate professionalism, experience and skills, who might be shortlisted by the European Commission, evaluated by a panel of experts *and heard* by the European Parliament;

Amendment

7. Stresses the importance of its involvement in the appointment procedures and suggests an open competition for candidates with adequate professionalism, experience and skills, who might be shortlisted by the European Commission, evaluated by a panel of experts, *heard and approved* by the European Parliament;

Or. en

Amendment 32

Anna Hedh

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Stresses the importance of *its involvement in the appointment procedures and suggests an open competition for candidates with* adequate professionalism, experience and skills, *who might be shortlisted by the European Commission, evaluated by a panel of experts and heard by the European Parliament;*

Amendment

7. Stresses the importance of *the independence of judicial bodies and protection from political interference and thus suggests transparent appointment procedures, solely based on* adequate professionalism, experience and skills,

Amendment 33

Sylvia-Yvonne Kaufmann, Juan Fernando López Aguilar, Caterina Chinnici

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Stresses the importance of its involvement in the appointment procedures and suggests an open competition for candidates with *adequate* professionalism, experience and skills, who might be shortlisted by the European Commission, evaluated by *a* panel of experts *and heard* by the European Parliament;

Amendment

7. ***Stresses the importance of its involvement in the appointment procedures for the European Prosecutors*** and suggests an open competition for candidates with *the necessary* professionalism, experience and skills, who might be shortlisted by the European Commission, evaluated by *an independent* panel of experts, *with the final decision on appointment to be made by the Council and approved* by the European Parliament; *the European Parliament and the Council should appoint the European Chief Prosecutor by common accord;*

Amendment 34

Axel Voss

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Stresses *the importance of its involvement in the appointment procedures* and suggests an open competition for candidates with adequate professionalism, experience and skills, who might be shortlisted by the European Commission, *evaluated by a panel of experts and heard* by the European Parliament;

Amendment

7. Stresses *the need for an open and transparent selection procedure to appoint the European Prosecutor and his/her Deputies* and suggests an open competition for candidates with adequate professionalism, experience and skills, who might be shortlisted by the European Commission; *suggests to transmit the list with the pre-selection to the European*

Parliament and the Council and empowers the European Parliament and the Council to decide to hold further interviews with the candidates whose names are mentioned on the list; calls therefore for the full involvement of the European Parliament in the selection procedure of the European Prosecutor and his/her Deputies;

Or. en

Amendment 35
Louis Michel

Motion for a resolution
Paragraph 7 a (new)

Motion for a resolution

Amendment

7 a. The members of the College shall be dismissed through the same procedure: on decision by the European Court of Justice after request by the Council, Commission, European Parliament and/or the European Chief Prosecutor.

Or. en

Amendment 36
Sylvia-Yvonne Kaufmann, Juan Fernando López Aguilar, Caterina Chinnici, Emilian Pavel

Motion for a resolution
Paragraph 7 a (new)

Motion for a resolution

Amendment

7 a. Stresses that Member States must involve national judicial self-governing bodies in the nomination procedures for European Delegated Prosecutors in accordance with national laws and practice;

Amendment 37

Sylvia-Yvonne Kaufmann, Juan Fernando López Aguilar, Caterina Chinnici, Emilian Pavel

Motion for a resolution

Paragraph 7 b (new)

Motion for a resolution

Amendment

7 b. Takes the view that in order to ensure the full independence of the European Prosecutors, and to prevent any perceived conflict of interest, the position of European Prosecutor should be a full-time position. In that respect, does not agree with the draft provision authorising them to discharge their duties on a part-time basis as proposed in Article 11(3) of Council document 166993/14 of 18 December 2014 on the Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office (hereafter 'the Council text');

Amendment 38

Sylvia-Yvonne Kaufmann, Juan Fernando López Aguilar, Caterina Chinnici, Emilian Pavel

Motion for a resolution

Paragraph 8

Motion for a resolution

Amendment

8. Welcomes the provision of an annual reporting to the EU Institutions in order to guarantee a continuous assessment of the activities carried out by the new body;

8. Welcomes the provision of an annual reporting to the EU Institutions in order to guarantee a continuous assessment of the activities carried out by the new body ***contained in the Council text; calls on the Council to ensure that the annual report contains, inter alia, details on the***

willingness of national authorities to cooperate with the European Public Prosecutor's Office;

Or. en

Amendment 39
Caterina Chinnici

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Believes that rules governing the division of **jurisdiction** between the EPPO and the national authorities should be clear and avoid any misinterpretation in the operational phase: the EPPO should have **jurisdiction** to investigate and prosecute the offences constituting fraud to the Union's financial interests according to the directive on the fight against fraud to the Union's financial interests by means of criminal law;

Amendment

9. Believes that rules governing the division of **competence** between the EPPO and the national authorities should be clear and avoid any misinterpretation in the operational phase: the EPPO should have **priority competence** to investigate and prosecute the offences constituting fraud to the Union's financial interests according to the directive on the fight against fraud to the Union's financial interests by means of criminal law; **Therefore, the EPPO should decide first whether it has competence and before national authorities start an own investigation in order to avoid parallel investigations which are inefficient.**

Or. en

Amendment 40
Louis Michel

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Believes that rules governing the division of jurisdiction between the EPPO and the national authorities should be clear

Amendment

9. Believes that rules governing the division of jurisdiction between the EPPO and the national authorities should be clear

and avoid any misinterpretation in the operational phase: the EPPO should have jurisdiction to investigate and prosecute the offences constituting fraud to the Union's financial interests according to the directive on the fight against fraud to the Union's financial interests by means of criminal law;

and avoid any misinterpretation in the operational phase: the EPPO should have jurisdiction to investigate and prosecute the offences constituting fraud to the Union's financial interests according to the directive on the fight against fraud to the Union's financial interests by means of criminal law; ***the chamber shall have the final decision on the allocation of a case between the EPPO or a member state.***

Or. en

Amendment 41
Ivan Jakovčić

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Believes that rules governing the division of jurisdiction between the EPPO and the national authorities should be clear and avoid any misinterpretation in the operational phase: the EPPO should have jurisdiction to investigate and prosecute the offences constituting fraud to the Union's financial interests according to the directive on the fight against fraud to the Union's financial interests by means of criminal law;

Amendment

9. Believes that rules governing the division of jurisdiction between the EPPO and the national authorities should be clear and avoid any misinterpretation in the operational phase: the EPPO should ***exclusively*** have jurisdiction to investigate and prosecute the offences constituting fraud to the Union's financial interests according to the directive on the fight against fraud to the Union's financial interests by means of criminal law;

Or. en

Amendment 42
Sylvia-Yvonne Kaufmann, Juan Fernando López Aguilar, Emilian Pavel

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Believes that rules governing the

Amendment

9. Believes that rules governing the

division of jurisdiction between the EPPO and the national authorities should be clear and avoid any misinterpretation in the operational phase: the EPPO should have jurisdiction to investigate and prosecute the offences constituting fraud to the Union's financial interests according to the directive on the fight against fraud to the *Union's* financial interests by means of criminal law;

division of jurisdiction between the EPPO and the national authorities should be clear and avoid any misinterpretation in the operational phase, the EPPO should have jurisdiction to investigate and prosecute the offences constituting fraud to the Union's financial interests according to the directive on the fight against fraud to the *Union's* financial interests by means of criminal law; *the powers of the European Public Prosecutor's Office should 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 case of disagreement between the European Public Prosecutor's Office and the national prosecution authorities over the exercise of competence, the College of the European Public Prosecutor's Office shall decide who shall investigate and prosecute. The determination of competence in accordance with those criteria should always be subject to judicial review;

Or. en

Amendment 43
Emil Radev

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Believes that rules governing the division of jurisdiction between the EPPO and the national authorities should be **clear and** avoid any misinterpretation in the operational phase: the EPPO should have jurisdiction to investigate and prosecute the offences constituting fraud to the Union's financial interests according to the directive on the fight against fraud to the **Union's** financial interests by means of criminal law;

Amendment

9. Believes that rules governing the division of jurisdiction between the EPPO and the national authorities should be **clearly defined in order to** avoid any **uncertainty or** misinterpretation in the operational phase: the EPPO should have jurisdiction to investigate and prosecute the offences constituting fraud to the Union's financial interests according to the directive on the fight against fraud to the **Union's** financial interests by means of criminal law

Or. en

Amendment 44
Axel Voss

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

9 a. Affirms that the competences of the EPPO should be precisely determined, to enable the criminal acts that fall within the scope to be identified beforehand and to distinguish clearly between the competences of the EPPO and national prosecutors; in this regard suggest to carefully review the definitions set out in Article 13 of the Commission's proposal, concerning ancillary competence in order to avoid dual offence or judicial loopholes; suggests to make sure that investigative tools and measures available to the EPPO should be uniform, precisely identified and compatible with all legal systems of the Member State to ensure that forum shopping can be excluded;

Or. en

Amendment 45
Monica Macovei

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9 a. Considers that the EPPO should also monitor and, if necessary, evocate those cases falling under the national jurisdiction, where factually established lack of effectiveness in the investigations poses a risk of failure to prosecute the fraud; in particular, considers that this solution could be applied when the limitation period is due to expire and there is evidence of inactivity by the investigators at the national level;

Or. en

Amendment 46
Axel Voss

Motion for a resolution
Paragraph 10

Motion for a resolution

Amendment

10. Takes note that the option of a collegiate structure is under scrutiny by the Member States, ***instead of the hierarchical one initially proposed by the European Commission; in this regard, believes that the decisions concerning the choice of the competent jurisdiction, the dismissal of a case and the transaction should be taken at the central level by the Chambers;***

10. Takes note that the option of a collegiate structure is under scrutiny by the Member States; ***in this regard, believes that this College approach should be carefully examined and taken into consideration; however is concerned that a College approach for EPPO could lead to double structures with regard to the collegiate structure of Eurojust; therefore competences should be unambiguously defined;***

Or. en

Amendment 47
Louis Michel

Motion for a resolution
Paragraph 10

Motion for a resolution

10. **Takes note** that the option of a collegiate structure is under scrutiny by the Member States, instead of the hierarchical one initially proposed by the European Commission; in this regard, **believes** that the decisions concerning the choice of the competent jurisdiction, the dismissal of a case and the **transaction** should be taken at the central level by the Chambers;

Amendment

10. **Deeply regrets** that the option of a collegiate structure is under scrutiny by the Member States, instead of the hierarchical one initially proposed by the European Commission **and supported by the European Parliament in its previous interim report**; in this regard, **it is essential** that the decisions concerning the choice of the competent jurisdiction, the dismissal of a case, **the transaction, the reallocation** and the **choice to prosecute**, should be taken at the central level by the Chambers;

Or. en

Amendment 48
Sylvia-Yvonne Kaufmann, Jan Philipp Albrecht, Juan Fernando López Aguilar,
Caterina Chinnici, Emilian Pavel

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Takes note that the option of a collegiate structure is under scrutiny by the Member States, instead of the hierarchical one initially proposed by the European Commission; in this regard, believes that the **decisions** concerning the choice of the competent jurisdiction, the **dismissal of** a case and the transaction should be taken at the central level by the Chambers;

Amendment

10. Takes note that the option of a collegiate structure is under scrutiny by the Member States, instead of the hierarchical one initially proposed by the European Commission; in this regard, believes that the **decision** concerning the choice of the competent jurisdiction, the **decision to prosecute, the decision to dismiss a case, the decision to reallocate** a case and the **decision on** transaction should **all** be taken at the central level by the **Permanent Chambers referred to in Article 9 of the**

Council text,

Or. en

Amendment 49

Axel Voss

Motion for a resolution

Paragraph 10 – subparagraph 1 (new)

Motion for a resolution

Amendment

Is concerned that the establishment of the EPPO could have an impact on the budget and functioning of Eurojust;

Or. en

Amendment 50

Sylvia-Yvonne Kaufmann, Jan Philipp Albrecht, Juan Fernando López Aguilar, Caterina Chinnici

Motion for a resolution

Paragraph 10 a (new)

Motion for a resolution

Amendment

10 a. In the light of that proposed collegiate structure, calls on the Council to provide details of the impact on the EU budget which will be brought about by the new proposed structure, particularly bearing in mind that the original Commission proposal was intended to be cost-efficient, relying heavily on existing resources from both OLAF and Eurojust;

Or. en

Amendment 51

Eleftherios Synadinos

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Underlines that the Chambers should play a leading role in investigations and in the prosecutions and not limit their activities to mere functions of coordination, but should supervise the work of the European Delegated Prosecutors in the field;

Amendment

11. Underlines that the Chambers should play a leading role in investigations and in the prosecutions and not limit their activities to mere functions of coordination, but should ***have the authority to*** supervise the work of the European Delegated Prosecutors in the field;

Or. en

Amendment 52
Louis Michel

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Underlines that the Chambers should play ***a*** leading role in investigations and in the prosecutions and not limit their activities to mere functions of coordination, but should supervise the work of the European Delegated Prosecutors in the field;

Amendment

11. Underlines that the Chambers should play ***the*** leading role in investigations and in the prosecutions and not limit their activities to mere functions of coordination, but should supervise the work of the European Delegated Prosecutors in the field;

Or. en

Amendment 53
Tomáš Zdechovský

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Underlines that the Chambers should play a leading role in investigations and ***in***

Amendment

11. Underlines that the Chambers should play a leading role in ***monitoring***

the prosecutions and not limit their activities to mere functions of coordination, but should supervise the work of the European Delegated Prosecutors in the field;

investigations and *prosecutions*, particularly they should carry out *functions of coordination but they could also a posteriori review negative decisions to dismiss the case or not to investigate or prosecute. However, they should not in principle interfere with the pending criminal proceedings in pre-trial stage and should not give any specific operational instructions.*

Or. en

Amendment 54
Tomáš Zdechovský

Motion for a resolution
Paragraph 12

Motion for a resolution

12. *Is concerned over* the automatic link between a European Prosecutor in the central Office and a case lodged in his or her Member State, because this could *lead to evident shortcomings in terms of the independence of the prosecutors and the even distribution of the cases;*

Amendment

12. *Welcomes* the automatic link between a European Prosecutor in the central Office and a case lodged in his or her Member State, because this could *guarantee the necessary knowledge, experience and expertise of the national law enforcement systems. In such a setting European Prosecutor could supervise the work of the European Delegated Prosecutors in the field. However, the problem of uneven distribution of cases for supervision should be tackled, e.g. also with the help of EPPO personnel in the central office.*

Or. en

Amendment 55
Louis Michel

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Calls therefore for a rational organisation of the workload of the Office at the central level: the allocation system of the cases among Chambers should follow *predetermined and objective criteria, and at a later stage a specific specialisation of the Chambers might be envisaged;*

Amendment

13. Calls therefore for a rational organisation of the workload of the Office at the central level: the ***European Prosecutor competences shall be limited to a supervision role of its European Delegated Prosecutors and to report to the Chamber in charge of the case; the allocation system of the cases among Chambers should follow random and unpredictable distribution system; as far as possible the designated chamber shall not be composed of the European Prosecutor originally from the Member State where the offence took place.***

Or. en

Amendment 56
Tomáš Zdechovský

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Is convinced that the necessary knowledge, experience and expertise of the national law enforcement systems will be guaranteed also by the EPPO personnel in the central office;

Amendment

deleted

Or. en

Amendment 57
Davor Ivo Stier

Motion for a resolution
Paragraph 14

Motion for a resolution

14. *Is convinced that the necessary knowledge, experience and expertise of the national law enforcement systems will be guaranteed also by the EPPO personnel in the central office;*

Amendment

14. *14. Stresses the need to select EPPO personnel in the central office that will have, as a team, the necessary knowledge of the national law enforcement systems of the 28 Member States;*

Or. en

Amendment 58

Dennis de Jong

on behalf of the GUE/NGL Group

Motion for a resolution

Paragraph 15

Motion for a resolution

15. Calls on the legislator to ensure streamlined procedures for the EPPO to obtain the authorisation of investigative measures in cross-border cases, in accordance with the law of the Member States where the measure in question is executed;

Amendment

15. Calls on the legislator to ensure streamlined procedures for the EPPO to obtain the authorisation of investigative measures in cross-border cases, in accordance with the law of the Member States where the measure in question is executed, *and with full respect for the procedural guarantees laid down in both European and national legislation.*

Or. en

Amendment 59

Caterina Chinnici

Motion for a resolution

Paragraph 15

Motion for a resolution

15. Calls on the legislator to ensure streamlined procedures for the EPPO to obtain the authorisation of investigative measures in cross-border cases, in

Amendment

15. Calls on the legislator to ensure streamlined procedures for the EPPO to obtain the authorisation of investigative measures in cross-border cases, in

accordance with the law of the Member States where the measure *in question is executed*;

accordance with the law of the Member State who requests the measure *as the trial will also be held in that Member State*.

Or. en

Amendment 60
Axel Voss

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Calls on the legislator to ensure streamlined procedures for the EPPO to ***obtain the authorisation of investigative*** measures in cross-border cases, in accordance with the law of the Member States where the measure in question is executed;

Amendment

15. Calls on the legislator to ensure streamlined procedures for the EPPO to ***establish investigation*** measures in cross-border cases, in accordance with the law of the Member States where the measure in question is executed;

Or. en

Amendment 61
Ivan Jakovčić

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Calls on the legislator to ensure streamlined procedures for the EPPO to obtain the authorisation of investigative measures in cross-border ***cases***, in accordance with the law of the Member States where the measure in question is executed;

Amendment

15. Calls on the legislator to ensure streamlined procedures for the EPPO to obtain the authorisation of investigative measures in cross-border ***programs and projects***, in accordance with the law of the Member States where the measure in question is executed;

Or. en

Amendment 62

Sylvia-Yvonne Kaufmann, Jan Philipp Albrecht, Juan Fernando López Aguilar, Emilian Pavel

Motion for a resolution

Paragraph 15

Motion for a resolution

15. Calls on the legislator to ensure streamlined procedures for the EPPO to obtain the authorisation of investigative measures in cross-border cases, in accordance with the law of the Member States where the measure in question is executed;

Amendment

15. Calls on the legislator to ensure streamlined procedures for the EPPO to obtain the authorisation of investigative measures in cross-border cases, in accordance with the law of the Member States where the measure in question is ***requested and*** executed; ***recalls that the co-legislators agreed on criteria for Member States to request investigative measures based on the principle of mutual recognition in Directive 2014/41/EU regarding the European Investigation Order in Criminal Matters. Considers that the same criteria should apply in respect of investigative measures to be authorised by the EPPO particularly with regard to the grounds for refusal;***

Or. en

Amendment 63

Eleftherios Synadinos

Motion for a resolution

Paragraph 16

Motion for a resolution

16. Calls on the Council to ensure the admissibility of the evidence gathered by the EPPO throughout the Union, as this is crucial for the effectiveness of the prosecutions;

Amendment

16. Calls on the Council to ensure the admissibility of the evidence gathered by the EPPO throughout the Union, as this is crucial for the effectiveness of the prosecutions, ***keeping in regard all legislation concerning the protection of personal data;***

Or. en

Amendment 64

Dennis de Jong

on behalf of the GUE/NGL Group

Motion for a resolution

Paragraph 16

Motion for a resolution

16. Calls on the Council to ensure the admissibility of the evidence gathered by the EPPO throughout the Union, as this is crucial for the effectiveness of the prosecutions;

Amendment

16. Calls on the Council to ensure the admissibility of the evidence gathered by the EPPO ***with full respect for the relevant European and national legislation*** throughout the Union, as this is crucial for the effectiveness of the prosecutions;

Or. en

Amendment 65

Sylvia-Yvonne Kaufmann, Jan Philipp Albrecht, Juan Fernando López Aguilar, Caterina Chinnici, Emilian Pavel

Motion for a resolution

Paragraph 16

Motion for a resolution

16. Calls on the Council to ***ensure*** the admissibility of the evidence gathered by the EPPO throughout the Union, as this is crucial for the effectiveness of the prosecutions;

Amendment

16. Calls on the Council to ***provide clarity regarding*** the admissibility of the evidence gathered by the EPPO throughout the Union, as this is crucial for the effectiveness of the prosecutions. ***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 in accordance with Article 6 of the Treaty on the European Union;***

Or. en

Amendment 66
Axel Voss

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Calls on the Council to ensure the admissibility of the evidence gathered by the EPPO throughout the Union, as this is crucial for the effectiveness of the prosecutions;

Amendment

16. Calls on the Council to ensure the admissibility of the evidence gathered by the EPPO throughout the Union ***in accordance to Article 6 TEU***; as this is crucial for the effectiveness of the prosecutions;

Or. en

Amendment 67
Emil Radev

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Calls on the Council to ensure the admissibility of the evidence gathered by the EPPO throughout the Union, as this is crucial for the effectiveness of the prosecutions;

Amendment

16. Calls on the Council to ensure the admissibility of the evidence gathered by the EPPO throughout the Union, ***and on Member States to respect the uniform application of the rules on admissibility of evidence submitted by EPPO***, as this is crucial for the effectiveness of the prosecutions

Or. en

Amendment 68
Axel Voss

Motion for a resolution
Paragraph 16 a (new)

Motion for a resolution

Amendment

16 a. Calls on the legislator to ensure the EPPO to apply the European arrest warrant;

Or. en

Amendment 69

Sylvia-Yvonne Kaufmann, Jan Philipp Albrecht, Juan Fernando López Aguilar, Caterina Chinnici

**Motion for a resolution
Paragraph 16 a (new)**

Motion for a resolution

Amendment

16 a. Reiterates the need for the European Public Prosecutor's Office to seek all relevant evidence whether inculpatory or exculpatory, In addition, insists that it is necessary to grant the suspect or accused in any investigation undertaken by the European Public Prosecutor's Office certain rights concerning evidence, in particular:

(a) The suspect or accused should have the right to present evidence for the consideration of the European Public Prosecutor's Office;

(b) The suspect or accused should have the right to request the European Public Prosecutor's Office to gather any evidence relevant to the investigation, including appointing experts and hearing witnesses;

Or. en

Amendment 70

Sylvia-Yvonne Kaufmann, Jan Philipp Albrecht, Juan Fernando López Aguilar, Caterina Chinnici

Motion for a resolution
Paragraph 16 b (new)

Motion for a resolution

Amendment

16 b. Given the possible multiple jurisdictions for cross-border offences falling under the competence of the European Public Prosecutor's Office, considers it essential to ensure that the European Prosecutors, European Delegated Prosecutors and national prosecuting authorities fully respect the principle of ne bis in idem in respect of prosecutions relating to offences falling under the competence of the European Public Prosecutor's Office;

Or. en

Amendment 71
Kati Piri

Motion for a resolution
Paragraph 17

Motion for a resolution

Amendment

17. Affirms that the right to a judicial remedy should be upheld at all times in respect of the EPPO's activity and recognises also the need for the EPPO to operate effectively without undue delay;

17. Affirms that ***respect for fundamental rights, including*** the right to a judicial remedy ***and the right to a fair trial***, should be upheld at all times in respect of the EPPO's activity and recognises also the need for the EPPO to operate effectively without undue delay;

Or. en

Amendment 72
Dennis de Jong
on behalf of the GUE/NGL Group

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Affirms that the right to a judicial remedy should be upheld at all times in respect of the EPPO's activity ***and recognises also the need for the EPPO to operate effectively without undue delay;***

Amendment

17. Affirms that the right to a judicial remedy should be upheld at all times in respect of the EPPO's activity;

Or. en

Amendment 73
Sylvia-Yvonne Kaufmann, Jan Philipp Albrecht, Juan Fernando López Aguilar, Emilian Pavel

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Affirms that the right to a judicial remedy should be upheld at all times in respect of the EPPO's activity ***and recognises also the need for the EPPO to operate effectively without undue delay;***

Amendment

17. Affirms that the right to a judicial remedy should be upheld at all times in respect of the EPPO's activity; ***therefore, any decision taken by the European Public Prosecutor's Office should be subject to judicial review before the competent court; in that regard, insists that decisions taken by the European Public Prosecutor before or independently from the trial, such as the decision to launch an investigation, the choice of jurisdiction for prosecution, the dismissal of a case or a transaction, should be subject to judicial review before the Union Courts;***

Or. en

Amendment 74
Eleftherios Synadinos

Motion for a resolution
Paragraph 18

Motion for a resolution

18. Believes that for the purposes of the judicial review of all investigative and other procedural measures adopted in its prosecution function, the EPPO should be considered a national authority before the competent courts of the Member States;

Amendment

deleted

Or. en

Amendment 75

Sylvia-Yvonne Kaufmann, Jan Philipp Albrecht, Juan Fernando López Aguilar, Caterina Chinnici, Emilian Pavel

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Recalls that the new Office **should** carry out its activities **with** full respect for the rights enshrined in the Charter of Fundamental Rights of the European Union as well as in **the legal framework provided by the** Union on **the** procedural rights of suspected and accused persons in criminal proceedings and on the protection of personal data;

Amendment

19. Given that the proposals for legislative measures at Union level regarding the procedural rights of suspected and accused persons in criminal proceedings have not yet all been adopted and that protection of those rights at Union level is in any case not comprehensive, reiterates the necessity for the new Office to carry out its activities **in** full respect for the rights **of suspects and accused in so far as they are** enshrined in **Article 6 of the Treaty on the European Union, Article 16 of the Treaty on the Functioning of the European Union and** the Charter of Fundamental Rights of the European Union as well as in **those legislative measures already adopted at Union level** on procedural rights of suspected and accused persons in criminal proceedings and on the protection of personal data;

Or. en

Amendment 76
Axel Voss

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Recalls that the new Office should carry out its activities with full respect for the rights enshrined in the Charter of Fundamental Rights of the European Union as well as in the legal framework provided by the Union on the procedural rights of suspected and accused persons in criminal proceedings and on the protection of personal data;

Amendment

19. Recalls that the new Office should carry out its activities with full respect for the rights enshrined in the Charter of Fundamental Rights of the European Union as well as in the legal framework provided by the Union on the procedural rights of suspected and accused persons in criminal proceedings and on the protection of personal data; ***in this regard recalls that the setting up of investigations measures written in Article 26 of the European Commission's Proposal for a Council Regulation on the establishment of the EPPO is of utmost importance and should be in line with Union law;***

Or. en

Amendment 77
Dennis de Jong
on behalf of the GUE/NGL Group

Motion for a resolution
Paragraph 19 a (new)

Motion for a resolution

19 a. Requests the Commission to ensure that procedural rights in cases investigated by the EPPO are in no way inferior to those established by European law on procedural rights in criminal law cases, and to provide the Parliament with additional information on this matter;

Or. en

Amendment 78
Louis Michel

Motion for a resolution
Paragraph 19 a (new)

Motion for a resolution

Amendment

19 a. Calls the Council to assure an effective access to legal aid in all Member States relating to the activities of any suspect and accused person involved in the proceedings of the EPPO.

Or. en

Amendment 79
Monica Macovei

Motion for a resolution
Paragraph 19 a (new)

Motion for a resolution

Amendment

19 a. Urges the Council to follow the recommendations stated above and underlines that those conditions are essential to give its consent to the Council's draft regulation;

Or. en

Amendment 80
Sylvia-Yvonne Kaufmann, Jan Philipp Albrecht, Juan Fernando López Aguilar, Caterina Chinnici, Emilian Pavel

Motion for a resolution
Paragraph 19 a (new)

Motion for a resolution

Amendment

19 a. Recalls that the proposed Directive

on Legal Aid has not yet been adopted by the co-legislators. Affirms that if and when adopted that Directive should apply equally to all suspects and accused under investigation or being prosecuted by the European Public Prosecutor's Office. Emphasises that in the absence of an agreed EU directive on legal aid, it is imperative that all suspects and accused in investigations and prosecutions carried out by the European Public Prosecutor's Office have the right to legal aid in accordance with the relevant national law;

Or. en

Amendment 81
Emilian Pavel

Motion for a resolution
Paragraph 19 a (new)

Motion for a resolution

Amendment

19 a. Emphasises that all suspects and accused in investigations and prosecutions carried out by the European Public Prosecutor's Office have the right to the protection of their personal data, also applying to judicial co-operation in criminal matters and police co-operation, as stated by Article 16 of the Treaty on the Functioning of the European Union (TFEU), as well as Article 8 of the Charter of Fundamental Rights of the European Union;

Or. en

Amendment 82
Dennis de Jong
on behalf of the GUE/NGL Group

Motion for a resolution
Paragraph 19 b (new)

Motion for a resolution

Amendment

19 b. Requests the Commission to examine in detail which are the reasons for the low rate of indictment following OLAF's judicial recommendations and to submit proposals for improving the quality of the information provided by OLAF to Member States;

Or. en

Amendment 83

Sylvia-Yvonne Kaufmann, Juan Fernando López Aguilar, Emilian Pavel

Motion for a resolution
Paragraph 19 b (new)

Motion for a resolution

Amendment

19 b. With reference to Article 19(2) of the Council text, insists that national authorities carrying out investigations of offences which may fall under the competence of the European Public Prosecutor's Office should be obliged to inform the European Public Prosecutor's Office of such an investigation. To ensure the independence and effectiveness of the Office, reiterates the need for the European Public Prosecutor's Office to have the right to take over such investigations where it determines that that is appropriate;

Or. en

Amendment 84
Emilian Pavel

Motion for a resolution
Paragraph 19 b (new)

Motion for a resolution

Amendment

19 b. Stresses that the processing of personal data carried out by the EPPO are subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, under the supervision of European Data Protection Supervisor;

Or. en

Amendment 85
Dennis de Jong
on behalf of the GUE/NGL Group

Motion for a resolution
Paragraph 19 c (new)

Motion for a resolution

Amendment

19 c. Requests the Commission to submit additional information to the Parliament on how OLAF, Eurojust and the EPPO will work together in the future and how the EPPO can make use of the existing expertise in both OLAF and Eurojust;

Or. en

Amendment 86
Emilian Pavel

Motion for a resolution
Paragraph 19 c (new)

Motion for a resolution

Amendment

19 c. So as to ensure legal consistency amongst different instruments setting out Union data protection law, calls for the adaptation of Regulation (EC) No 45/2001 to the data protection rules that will be established by the proposed data protection package which includes a proposal for a (General Data Protection Regulation), and a proposal for a DIRECTIVE regarding the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data;

Or. en

Amendment 87
Emilian Pavel

Motion for a resolution
Paragraph 19 d (new)

Motion for a resolution

Amendment

19 d. Stresses that specific provisions on data protection contained in EPPO should only complement and particularize Regulation 45/2001 and only to the extent it is necessary.

Or. en