

**Question for oral answer O-000022/2023
to the Council**

Rule 136

Juan Fernando López Aguilar

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Subject: Extension of the mandate of the European Public Prosecutor's Office with regard to the criminal offence of violation of Union restrictive measures

Unprecedented sanctions are in place against Russian and Belarusian individuals and entities, among others. However, the circumvention of restrictive measures has also intensified. In practice, very few violators of Union restrictive measures are actually held accountable because many Member States do not give sufficient priority to investigating and prosecuting their actions. The inconsistent enforcement of restrictive measures undermines their effectiveness and compromises the Union's ability to speak with one voice.

Following the Council's decision to identify the violation of Union restrictive measures as an area of crime that meets the criteria specified in Article 83(1) of the Treaty on the Functioning of the European Union (TFEU)¹, on 2 December 2022 the Commission proposed a directive on the definition of criminal offences and penalties for the violation of Union restrictive measures, with a view to harmonising the national systems.

Under the proposed directive, the Member States will remain mostly responsible for investigating and prosecuting such crimes, while the European Public Prosecutor's Office (EPPO) will also be able to prosecute in certain cases. However, the EPPO's mandate currently remains limited to offences that affect the financial interest of the Union. Extending its mandate to include all types of violations of Union restrictive measures could significantly improve criminal prosecution and the effective enforcement of criminal sanctions across the EU. Several Member States are currently calling for a mandate extension, which requires a unanimous European Council decision². The EPPO has proven that it is very effective at investigating and prosecuting the crimes falling under its mandate. To date, 22 Member States have joined EPPO, but more might be convinced to join.

In the light of the above:

1. Does the Council agree that extending the EPPO's mandate to include the crime of violation of Union restrictive measures would help ensure that crimes are investigated and prosecuted consistently and efficiently across the EU?
2. Does the Council support the initiative taken by several Member States to this effect?
3. What actions will the Council take to this end?

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Lapses: 28.7.2023

¹ Council Decision (EU) 2022/2332 of 28 November 2022 on identifying the violation of Union restrictive measures as an area of crime that meets the criteria specified in Article 83(1) of the Treaty on the Functioning of the European Union, OJ L 308, 29.11.2022, p. 18.

² In line with Article 86(4) TFEU, after obtaining the consent of Parliament and consulting the Commission.