



EUROPEAN PARLIAMENT

2014 - 2019

Committee on Legal Affairs

2013/0255(APP)

5.2.2015

DRAFT OPINION

of the Committee on Legal Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Council regulation on the establishment of the European
Public Prosecutor's Office
(COM(2013)0534 – C8-0000/2013 – 2013/0255(APP))

Rapporteur: Victor Negrescu

SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its report:

Citations

- having regard to opinion of the Committee on Legal Affairs for the Committee on Civil Liberties, Justice and Home Affairs of 3 March 2014 on the proposal for a Council regulation on the establishment of the European Public Prosecutor's Office,
- having regard to its resolution of 12 March 2014 on the proposal for a Council regulation on the establishment of the European Public Prosecutor's Office¹,

Recommendations

1. Reiterates the content of the opinion of the Committee on Legal Affairs of 3 March 2014 and aims to address a number of additional elements, including as regards new developments in the Council debate;
2. Stresses the importance of ensuring the independence of the European Public Prosecutor's Office, the European Chief Prosecutor and his/her deputies, the European prosecutors and the European delegated prosecutors, including from any undue influence on the part of national political, administrative or judicial authorities, including those with which the European Public Prosecutor's Office is bound to cooperate in conducting its investigations;
3. Welcomes the proposal that the European Public Prosecutor's Office should present an annual report to the EU institutions, in order to ensure transparency and assess the general lines of its activity, and stresses the fact that this should not constitute a way of influencing the future activity of the European Public Prosecutor's Office by any of the EU institutions;
4. Emphasises the need, as regards the appointment of the European public prosecutors, for an open and transparent competition for candidates fulfilling the required criteria of professionalism, experience and independence, and suggests, in terms of procedure, that they may be shortlisted by the Commission and evaluated by an independent panel of experts, with the final decision on appointment to be made by the Council and approved by Parliament; stresses that Parliament and the Council should appoint the European Chief Prosecutor by common agreement;
5. Recommends that the European Public Prosecutor's Office pay special attention to the appointment of the European prosecutors and the European delegated prosecutors and to the fulfilment of the criteria regarding qualifications, professional experience and independence;
6. Underlines the need for the European Public Prosecutor's Office to examine and investigate with equal rigour cases from all Member States, irrespective of any

¹ Texts adopted, P7_TA(2014)0234.

geographical considerations, past cases or surveys, and adopting a qualitative approach based on objective criteria;

7. Recommends that the European Public Prosecutor's Office make special efforts to tackle cross-border crime against the financial interests of the EU, considering the complexity of the issue and the high level of danger and damage that it engenders;
8. Recalls that the actions and investigations undertaken by all prosecutors and staff of the European Public Prosecutor's Office must be conducted in full compliance with the principles of law, with an emphasis on the respect of the presumption of innocence until a final and irrevocable court ruling has been reached, the right to a fair trial, the right to remain silent, the right to a defence, and the principle of *non bis in idem*.